

CITY OF LA PINE
LAND DIVISION CODE

Adopted May 18, 2011

EXHIBIT C- ORDINANCE NO. 2011-03

Table of Contents

<u>Section</u>	<u>Topic</u>	<u>Page</u>
1.	Purpose	3
2.	Applicability	3
3.	Subdivisions - Applications	3
4.	Planned Unit Development (PUD)	11
5.	Subdivision and PUD Review	13
6.	Land Partitions	13
7.	Final Map Recordation – Boundary Line Adjustment	16
8.	Processing and Recoding Procedures – Maps	17
9.	Dedication of Streets Not Part of a Development	17
10.	Design and Improvement Standards/Requirements	18

LAND DIVISION CODE

SUBDIVISIONS AND PARTITIONINGS

SECTION 1.0.0. PURPOSE.

It is the purpose of this subchapter, in accordance with the provisions of ORS Chapters 92 and 227, to provide for minimum standards governing the approval of land divisions, including subdivisions and land partitions, as necessary to carry out the needs and policies for adequate traffic movement, water supply, sewage disposal, drainage and other community facilities, to improve land records and boundary monumentation and to ensure equitable processing of subdivision, partitioning and other land division activities within the city and the surrounding urban area.

SECTION 2.0.0 APPLICABILITY.

No person may subdivide, partition or otherwise divide land, or create a planned unit or cluster development, or create a street for the purpose of developing land except in accordance with the provisions of this subchapter, this chapter and ORS Chapters 92.012 and 277.100.

SECTION 3.0.0 SUBDIVISIONS-APPLICATIONS.

(A) Application. Any person proposing a subdivision, or the authorized agent or representative thereof, shall submit an application for a subdivision to the City. The application shall be accompanied with ten copies of either an outline development plan as provided for in division (B) of this section, or a tentative plan as set forth in division (C) of this section, together with improvement plans and other supplementary material as may be required, and the appropriate filing fee as established by the City Council. The date of filing shall be construed to be the date on which all of the foregoing materials are received and accepted by the appropriate city official.

(B) Outline development plan. The submittal of an outline development plan in the subdivision application process is at the option of the applicant and/or developer. If an outline development plan is prepared and submitted with the application for a subdivision, it shall include both maps and written statements as set forth in this division (B).

(1) The maps which are part of an outline development plan may be in schematic form, but shall be to scale and shall contain the following information.

- (a) The existing topographic character of the land.
- (b) Existing and proposed land uses, and the approximate location of buildings and other structures on the project site and adjoining lands, existing and proposed.
- (c) The character and approximate density of the proposed development.
- (d) Public uses including schools, parks, playgrounds and other public spaces or facilities proposed.
- (e) Common open spaces and recreation facilities and a description of the proposed uses thereof.
- (f) Landscaping, irrigation and drainage plans.

EXHIBIT C- ORDINANCE NO. 2011-03

(g) Road, street and other transportation facility schematic plans and proposals.

(2) Written statements which shall be part of the outline development plan submittal shall contain the following information.

(a) A statement and description of all proposed on-site and off-site improvements.

(b) A general schedule of development and improvements.

(c) A statement setting forth proposed types of housing and other uses to be accommodated, and a projection of traffic generation and population.

(d) A statement relative to the impact on the carrying capacities of public facilities and services, including water and sewer systems, schools, serving utilities, streets and the like.

(e) A statement relative to compatibility with adjoining land uses, present and future, environmental protection and/or preservation measures and impacts on natural resource carrying capacities of the site and surrounding/adjacent areas.

(3) Approval of an outline development plan for a subdivision shall constitute only a conceptual approval of the proposed development for general compliance with the city's Urban Area Comprehensive Plan, applicable zoning and this chapter.

(4) Review and action on an outline development plan shall follow the requirements for review of land use action procedures, hearings and decisions in sections 5.0.0, 6.0.0 and 7.0.0 of the City Land Use Procedures Code as may be applicable.

(C) Tentative plan required. Following or in conjunction with submittal and approval of an outline development plan and subdivision application, or as an initial subdivision application, any person proposing a subdivision shall submit a tentative plan together with the required application form, accompanying information and supplemental data and required filing fee, prepared and submitted in accordance with the provisions of this Section 3.0.0 (C). (ORS 92.040). Note: Applicants should review the design standards set forth in Section 10.0.0 of this chapter prior to preparing a tentative plan for a development.

(1) Scale of tentative plan. The tentative plan of a proposed subdivision shall be drawn on a sheet 18 by 24 inches in size or multiples thereof at a scale of one inch equals 100 feet or multiples thereof as approved by the City Planning Official. (ORS 92.080). In addition, at least one copy of the plan on a sheet of paper measuring 8 ½ inches by 11 inches or 11 inches by 17 inches shall be provided for public notice requirements.

(2) Information requirements. The following information shall be shown on the tentative plan or provided in accompanying materials. No tentative plan submittal shall be considered complete, unless all such information is provided unless approved otherwise by the Planning Official.

(a) General information required.

1. Proposed name of the subdivision.

2. Names, addresses and phone numbers of the owner of record and subdivider, authorized agents or representatives, and surveyor and any assumed business names filed or to be filed by the owner or subdivider in connection with the development.

3. Date of preparation, north point, scale and gross area of the development.

EXHIBIT C- ORDINANCE NO. 2011-03

4. Identification of the drawing as a tentative plan for a subdivision.

5. Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.

(b) Information concerning existing conditions.

1. Location, names and widths of existing improved and unimproved streets and roads within and adjacent to the proposed development.

2. Location of any existing features such as section lines, section corners, city and special district boundaries and survey monuments.

3. Location of existing structures, fences, irrigation canals and ditches, pipelines, waterways, railroads and natural features, such as rock outcroppings, marshes, wetlands, geological features and natural hazards.

4. Location and direction of water courses, and the location of areas subject to erosion, high water tables, and storm water runoff and flooding.

5. Location, width and use or purpose of any existing easements or right-of-ways within and adjacent to the proposed development.

6. Existing and proposed sewer lines, water mains, culverts and underground or overhead utilities within and adjacent to the proposed development, together with pipe sizes, grades and locations.

7. Contour lines related to some established bench mark or other acceptable datum and having minimum intervals of not more than 20 feet.

(c) Information concerning proposed subdivision.

1. Location, names, width, typical improvements, cross-sections, approximate grades, curve radii and length of all proposed streets, and the relationship to all existing and projected streets.

2. Location, width and purpose of all proposed easements or right-of-ways, and the relationship to all existing easements or rights-of-way.

3. Location of at least one temporary bench mark within the proposed subdivision boundary.

4. Location, approximate area and dimensions of each lot and proposed lot and block numbers.

5. Location, approximate area and dimensions of any lot or area proposed for public, community or common use, including park or other recreation areas, and the use proposed and plans for improvements or development thereof.

6. Proposed use, location, area and dimensions of any lot which is intended for nonresidential use and the use designated thereof.

7. An outline of the area proposed for partial recording on a final plat if phased development and recording is contemplated or proposed.

8. Source, method and preliminary plans for domestic water supply, sewage disposal, solid waste collection and disposal and all utilities.

9. Storm water and other drainage plans.

EXHIBIT C- ORDINANCE NO. 2011-03

(D) Master development plan required. An overall master development plan shall be submitted for all developments planning to utilize phase or unit development. The plan shall include, but not be limited to, the following elements.

- (1) Overall development plan, including phase or unit sequences and the planned development schedule thereof.
- (2) Schedule of improvements initiation and completion.
- (3) Sales program timetable projection.
- (4) Development plans of any common elements or facilities.
- (5) Financing plan for all improvements.

(E) Supplemental information required. The following supplemental information shall be submitted with the tentative plan for a subdivision.

- (1) Proposed deed restrictions or protective covenants, if such is proposed to be utilized for the proposed development.
- (2) Reasons and justifications for any variances or exceptions proposed or requested to the provisions of this subchapter, the applicable zoning regulations or any other applicable local, state or federal ordinance, rule or regulation.

(F) Tentative plan review procedures.

- (1) Tentative plan review shall follow the requirements for review of land use action procedures, hearings and decisions in Sections 5.0.0, 6.0.0 and 7.0.0 of the City Land Use Procedures Code as may be applicable.
- (2) The decision on a tentative plat shall be set forth in a written decision, and in the case of approval shall be noted on not less than two copies of the tentative plan, including references to any attached documents setting forth specific conditions.

(G) Tentative approval relative to final plan. Approval of the tentative plan shall not constitute final acceptance of the final plat of the proposed subdivision for recording. However, approval of the tentative plan shall be binding upon the city for preparation of the final plat and the city may require only such changes as are deemed necessary for compliance with the terms of its approval of the tentative plan.

(H) Resubmission of denied tentative plan. Resubmittal shall be considered a new filing, but shall require the applicant to consider all items for which the prior denial was based, in addition to the other filing requirements set forth by this chapter.

(I) Requirements for approval. An outline development plan or a tentative plan for a subdivision shall not be approved unless it is found, in addition to other requirements and standards set forth by this chapter and other applicable City of La Pine ordinances, standards and regulations, that the following requirements have been met:

- (1) The proposed development is consistent with applicable goals, objectives and policies set forth by the City's Comprehensive Plan.
- (2) The proposal is in compliance with the applicable zoning regulations applicable thereto.

EXHIBIT C- ORDINANCE NO. 2011-03

(3) The proposal is in compliance with the design and improvement standards and requirements set forth in Section 10.0.0, or as otherwise approved by the city, or that such compliance can be assured by conditions of approval.

(4) The subdivision will not create an excessive demand on public facilities and services required to serve the proposed development, or that the developer has proposed adequate and equitable improvements and expansions to the facilities with corresponding approved financing therefore to bring the facilities and services up to an acceptable capacity level.

(5) The development provides for the preservation of significant scenic, archaeological, natural, historic and unique resources in accordance with applicable provisions of this chapter and the Comprehensive Plan.

(6) The proposed name of the subdivision is not the same as, similar to or pronounced the same as the name of any other subdivision in the city or within a six mile radius thereof, unless the land platted is contiguous to and platted as an extension of an existing subdivision. (ORS 92.090)

(7) The streets and roads are laid out so as to conform to an adopted Transportation System Plan for the area, and to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern.

(8) Streets and roads for public use are to be dedicated to the public without any reservation or restriction; and streets and roads for private use are approved by the city as a variance to public access requirements.

(9) Adequate mitigation measures are provided for any identified and measurable adverse impacts on or by neighboring properties or the uses thereof or on the natural environment.

(10) Provisions are made for access to abutting properties that will likely need such access in the future, including access for vehicular and pedestrian traffic, public facilities and services and utilities.

(11) Provisions of the proposed development provide for a range of housing needs, particularly those types identified as needed or being in demand.

(J) Final plat for a subdivision.

(1) Submission of final plat.

(a) Time requirement. Except as otherwise approved in accordance with the approval of a master plan for a subdivision planned for unit or phase development, the subdivider shall, within two years after the date of approval of the tentative plan for a subdivision, prepare and submit the final plat for a subdivision that is in conformance with the tentative plan as approved and with all conditions applicable thereto.

1. The subdivider shall submit not less than ten prints of the original drawing and any supplemental information or material required by this chapter and by the tentative plan approval.

2. The filing shall be to the City Planning Official or other duly designated City representative. If the subdivider fails to file the final plat before the expiration of the two-year period, the tentative plan approval shall be declared null and void and a new submittal required if the subdivider wishes to proceed with the development.

EXHIBIT C- ORDINANCE NO. 2011-03

(b) Master development plan. In the case of a subdivision for which a master development plan has been approved, the tentative plans for each unit or phase thereof shall be submitted in accordance with the phasing schedule approved as a part of the master plan.

(c) Extension. An extension of one year to the filing time for a final plat may be approved by the City upon evidence being submitted by the developer that the extension is necessary due to factors beyond the control of the developer; for example, appeals, weather and the like.

(d) Form of final plat. The final plat shall be prepared in conformance with the applicable standards of ORS Ch. 92 and the requirements of the Deschutes County Surveyor and Deschutes County Clerk. A reduced copy of the final plat shall also be provided on a sheet of paper measuring, 8½ inches by 11 inches or 11 inches by 17 inches for public review requirements. The final plat data shall also be provided in an electronic format adaptive to the City's computer mapping system.

(2) Requirements of survey and plat of subdivision.

(a) The survey for the plat of a subdivision shall be of such accuracy and with reference to such guidelines as required by ORS Ch. 92.

(b) The survey and plat shall be made by a registered professional land surveyor.

(c) The plat shall be of such scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon.

(d) The locations and descriptions of all monuments shall be recorded upon all plats and the proper courses and distances of all boundary lines shown.

(3) Monumentation requirements. Monumentation of all subdivisions and plats therefore shall be in compliance with the provisions of ORS Chapters. 92.060 and 92.065.

(4) Information required on final plat. In addition to that required by the tentative plan approval or otherwise required by law, the following information shall be shown on the final plat.

(a) All survey reference information.

(b) Tract and lot boundary lines, and street right-of-way and centerlines, with dimensions, bearings or deflection angles. Tract boundaries and street bearings shall be to the nearest second; distances to the nearest 0.01 feet. No ditto marks are permitted.

(c) Width of streets being dedicated. Curve data based on centerlines for streets on curvature; the radius, central angle, arc length, chord length and chord bearing shall be shown.

(d) Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference.

(e) Lot numbers beginning with the number "1" and numbered consecutively and without omission, in sequential order with phasing if applicable..

(f) The initial point shall be marked with an aluminum pipe or galvanized iron pipe not less than two inches inside diameter 30 inches long before flaring with a 2½ inch minimum diameter aluminum or galvanized cap as appropriately securely attached marked with steel ties with the following information for that subdivision: initial point, subdivision name, year and land surveyor registration number.

EXHIBIT C- ORDINANCE NO. 2011-03

(5) Certificates required on final plat. The following certificates are required on the final plat.

- (a) Certificate signed and acknowledged by all parties having record title interest in the land, consenting to the preparation and recording of the plat.
- (b) Certificate signed and acknowledged as above dedicating all land intended for public use.
- (c) Certificate with the seal of and signed by the land surveyor responsible for the survey and the final plat preparation.
- (d) Certificate for the County Surveyor.
- (e) Certificate for the County Tax Collector.
- (f) Certificate for the County Assessor.
- (g) Certificates for the City Public Works Director, Director of Sewer and Water Districts, and City Planning Director or other duly designated City representative.
- (h) Other certificates required by state law or by the City.
- (i) Certificate for approval or execution by the City Council.

(6) Supplemental information with final plat. The following data, in addition to any other data required as a part of the tentative plan approval, shall be submitted with the final plat.

- (a) A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary, and evidence of a clear and marketable title.
- (b) A copy of any deed restrictions or protective covenants applicable to the subdivision or planned unit development.
- (c) A copy of any dedication requiring separate documents such as for parks, playgrounds and the like.
- (d) A copy of any homeowner's association agreements proposed or required for the development.
- (e) For any and all improvements such as streets, sewer, water, utilities and the like that are required or proposed as a part of the tentative plan approval, the following shall be required to be submitted with the final plat, and such shall be prepared by a licensed surveyor or engineer.
 1. Cross-sections of proposed streets, widths of roadways, types of surfacing, curb locations and specifications, width and location of sidewalks, other pedestrian ways and/or bikeways.
 2. Plans and profiles of proposed sanitary sewers, location of manholes and proposed drainage facilities.
 3. Plans and profiles of proposed water distribution systems showing pipe sizes, location of valves and fire hydrants as applicable.
 4. Specifications for the construction of all proposed utilities.
 5. Proof of guaranteed access to the primary serving public street or highway.
 6. Digital data of construction plans and as-built specifications for all improvements in a format approved by the City Engineer, Public Works

EXHIBIT C- ORDINANCE NO. 2011-03

Director or other duly designated City representatives, such being necessary for electronic record keeping.

(7) Technical review of final plat. Within five working days of receipt of the final plat submittal, the City Planning Official or other duly designated City representative shall initiate a technical review of the submittal as provided herein.

(a) Notification of the receipt of and opportunity for review thereof shall be given to the Public Works Director, City Engineer, City Attorney, representatives of any serving special districts (Water and Sewer Districts), utility companies and any other affected agencies.

(b) The parties shall complete the technical plat review and shall submit findings to the City Planning Official or other duly designated City representative within ten days of the notice.

(c) Based on the reviews, should the Planning Official or other duly designated City representative determine that full conformity has not been made, the subdivider shall be advised thereof of the needed changes or additions and shall be afforded a reasonable opportunity (not to exceed 30 days) to make the changes or additions.

(d) Other required procedures for processing a final plat are set forth in Section 7.0.0.

(8) Planning Division review and approval of final plat. Within 30 days following the receipt of the final plat for any land division reviewed by the Planning Division, the Chair of the Commission, or Vice-Chair acting in place of the Chair, shall review the final plat to verify that the plat is submitted in accordance with the tentative plan approval.

(a) If the City Planning Official or other duly designated City representative does not approve the final plat, the subdivider shall be advised of the reasons therefore, and shall be provided an opportunity to make corrections.

(b) If the City Planning Official or other duly designated City representative approves the final plat, approval shall be indicated by the signature of the Planning Official or other duly designated City representative, on the plat.

(9) Final plat approval requirements. No final plat for a proposed subdivision shall be approved unless it is found to comply with the following minimum standards.

(a) The final plat is found to be in strict compliance with the tentative plan approval and all conditions set forth thereby.

(b) Streets and roads for public use are dedicated without any reservations or restrictions.

(c) Streets and roads held for private use are clearly indicated.

(d) The plat contains a donation to the public of all common improvements and public uses proposed or required as a condition of approval of the tentative plan.

(e) All proposed or required improvements have either been completed and approved by the city or that a bond, contract or other assurance therefore has been provided for and approved by the City Planning Official or other duly designated City representative.

EXHIBIT C- ORDINANCE NO. 2011-03

(10) Recording of final plat. Approval of the final plat shall be null and void if the plat is not recorded within 45 days after the date of approval of the City Planning Official or other duly designated City representative.

(a) After obtaining all required approvals and signatures, the subdivider shall file the plat and an exact copy thereof in the County Clerk's office.

(b) No plat shall be recorded unless all ad valorem taxes and special assessments, fees or other charges required by law to be placed upon the tax rolls which have become a lien or which will become a lien during the calendar year on the subdivision have been paid.

(c) Not less than 12 copies of the recorded plat shall be provided to the City Recorder, City Planning Official or other duly designated City representative, and County Surveyor at the developer's expense. The County Surveyor may request an additional number of copies required at time of final plat review if deemed appropriate.

SECTION 4.0.0 PLANNED UNIT DEVELOPMENT (PUD).

(A) Authorization. When a planned unit development is authorized pursuant to the provisions of the applicable zoning or by other provisions of this chapter, the development may be approved by the city in accordance with the provisions of this section and this chapter. For the purposes of this chapter, a Planned Unit Development is a development technique where the development of an area of land is developed as a single entity for a number and/or mixture of housing types, or a mixture of other types of uses, or a combination thereof, according to a specific development plan which does not necessarily correspond relative to lot sizes, bulk or types of dwelling units, density, lot coverage's or required open space as required by the standard provisions set forth by this chapter and the specific applicable zoning designation. This may include common land under ownership and direction of an association, including private streets and associated amenities.

(B) Applicability of regulations. The requirements for a planned unit development set forth in this section are in addition to the requirements set forth for a standard subdivision by Section 3.0.0 of this chapter, and in addition to those requirements set forth in Section 10.0.0, Design and Improvement Standards/Requirements.

(C) Purpose. The purpose of the planned unit development provisions is to permit the application of innovative designs and to allow greater freedom in land development than may be possible under the strict application of the applicable zoning provisions and this chapter. In permitting such design and development freedom, the intent is to encourage more efficient uses of land and public facilities and services, to maximize community needs for a variety of housing, commercial and recreational needs and to maintain as high of a quality of living environment as reasonably possible.

(D) Principal and accessory uses.

(1) The principal uses permitted within a planned unit development may include any use permitted, outright or conditional in the zone in which the subject proposed development is located. Subsequent land use review and permitting requirements may be applicable.

(2) Except for open land uses such as golf courses, parks, natural areas or resources and the like, accessory uses shall not occupy more than 25% of the total area of the development, must be approved as a part of the initial development approval and may include the

EXHIBIT C- ORDINANCE NO. 2011-03

following uses (in addition to those use listed as permitted outright or conditionally for the zone in the City of La Pine Zoning Code).

- (a) Golf course.
- (b) Related commercial uses not to exceed 3% of the total land area of the development.
- (c) Private park, lake or waterway.
- (d) Tourist accommodations including convention or destination resort facilities.
- (e) Recreation areas, buildings, clubhouse or other facilities of a similar use or type.
- (f) Other uses which the City finds are designed to serve primarily the residents of the proposed development or are open to and of benefit to the general public, and are compatible to the overall design of the proposed development and with the city's Comprehensive Plan.

(E) Dimensional standards.

(1) The minimum lot area, width, depth, frontage and yard (setback) requirements otherwise applying to individual lots in the applicable zone may be altered for a planned unit development provided that the overall density factor calculated for the applicable zone is not exceeded by more than 25%.

(2) Building heights exceeding those prescribed for by the applicable zone may only be approved if surrounding open space, building setbacks and other design features are used to avoid any adverse impacts due to the greater height. In general, and as a guideline, setback requirements should be required to be at least two-thirds of the height of a building.

(3) The building coverage for any PUD shall not exceed 40% of the total land area of the proposed development.

(4) Common open space and other such amenities, exclusive of streets, should constitute at least 25% of the total land area of the development.

(5) No PUD in a residential zone may be approved on a site with a total land area less than five acres, and in a commercial zone on a site less than two acres, except as approved otherwise by the city through the land use review process.

(F) Project density approval. If it is found that any of the following conditions would be created by an increase in density permitted by this section for a PUD, it may either prohibit any increase or may limit the increase as deemed necessary to avoid the creation of any of the following conditions.

(1) Inconvenient or unsafe access to the proposed development or adjoining developments or properties.

(2) Generation of traffic loads in excess of the capacity of streets which adjoin or will serve the proposed development and in the overall street system in the area of the development.

(3) Creation of an excessive burden on sewage, water supply, parks, recreational facilities, areas or programs, schools and other public facilities which serve or are proposed to serve the proposed development.

(G) Common open space. No open area may be accepted as common open space within a PUD unless it meets the following requirements.

EXHIBIT C- ORDINANCE NO. 2011-03

(1) The common open space is for an identified and designated amenity or recreational purpose(s), and the uses proposed or authorized therefore are appropriate to the scale and character of the proposed development.

(2) The common open space will be suitably improved for its intended use, except that the open space containing significant natural features worthy of preservation in the natural state may be left unimproved, but there shall be approved plans and/or provisions for the continued preservation thereof.

(3) The buildings, structures and improvements to be permitted in the open space are determined to be appropriate and accessory to the uses which are authorized for the open space.

(4) No common open space may be put to a use not authorized and approved in the final development plan of the subject development unless an amendment thereto is duly approved by the city.

(H) Application and procedures. The application for a PUD, and the procedures for the processing of the applications, shall be the same as set forth for a standard subdivision in Section 3.0.0 and for a conditional use as set forth in the City of La Pine Zoning Code

SECTION 5.0.0 SUBDIVISION AND PUD REVIEW.

Review of a subdivision or planned unit development shall follow the applicable procedures and policies for land use applications, hearings and decisions set forth in the City of La Pine Land Use Procedures Code.

(D) Public hearing and notice required. Neither an outline development plan or a tentative plan for a proposed subdivision or PUD may be approved unless the City Planning Department first advertises and holds a public hearing thereon according to applicable requirement listed in the City of La Pine Land Use Procedures Code.

SECTION 6.0.0 LAND PARTITIONS.

(A) Applicability of regulations. As defined in this section and this chapter, all land partitions within the City, except as set forth in division (B) of this section, must be approved by the city as provided for in this section.

(B) Definitions. For the purposes of this section and this chapter, the words and phrases shall have the meaning set forth herein.

PARTITION. To divide a lot, parcel or tract of land into two or three parcels, but does not include the following.

(a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property, or the creation of a cemetery lot.

(b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created, and where the existing unit of land reduced in size by the adjustment complies with the applicable zoning.

(c) The division of land resulting from the recording of a subdivision or condominium plat.

(d) The sale of a lot in a recorded subdivision or town plat, even though the developer, owner or seller of the lot may have owned other contiguous lots or property prior to the sale; the lot, however, must be sold as platted and recorded.

EXHIBIT C- ORDINANCE NO. 2011-03

MINOR PARTITION. A partition where each lot or parcel created has access to an existing public road, street, highway or way; that is, a partitioning that does not include the creation of a new road or street for access to one or more of the lots or parcels being created. For the purposes of this definition and this definition only, an easement for access of more than 100 feet in length shall be considered a street or road.

MAJOR PARTITION. A partition where a new street or road is created for access to one or more of the parcels created by the partitioning.

SERIES PARTITION. A series of partitions, major or minor, of a tract of land resulting in the creation of four or more parcels over a period of more than one calendar year, resulting in a de facto subdivision of land.

(C) Exemptions. In addition to those exclusions set forth in division (B) of this section, the following land divisions shall be exempt from the land partitioning requirements set forth by this section and this chapter.

(1) The partitioning of a tract of land in which not more than one parcel is created and the parcel is being transferred to a public or semi-public agency for the purpose of a public road, street, canal or utility right-of-way, or for public park, school, recreation facility, trail, bikeway, natural area or other similar public purpose.

(2) The transfer of one area of land between two adjoining ownerships where an additional parcel is not created and where no new or additional dwellings or other structures are involved, and where the existing ownership reduced in size by the transfer is not reduced below the minimum lot size of the applicable zone. A final map of a boundary line adjustment is still required however, and the requirements of the map are set forth in Section 7.0.0.

(D) Filing procedures and requirements. Any person proposing a land partition, or the authorized agent or representative thereof, shall prepare and submit ten copies of the tentative plan for the proposed partition, together with the prescribed application form and required filing fee, to the City Planning Official or other duly designated City representative.

(1) Proposed partitioning shall be drawn. The tentative plan of a proposed partitioning shall be drawn on a sheet 18 by 24 inches in size or multiples thereof at a scale of one inch equals 50 feet or multiples thereof. A copy of the proposed partitioning shall also be provided on a sheet measuring 8½ inches by 11 inches or 11 inches by 17 inches for public review and notice requirements.

(2) Requirements for the plan. The plan shall include the following.

(a) A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways, properties and land use patterns.

(b) A plan of the proposed partitioning showing tract boundaries and dimensions, the area of each tract or parcel and the names, right-of-way widths and improvement standards of existing roads.

(c) Names and addresses of the land owner, the partitioner, the mortgagee if applicable, and the land surveyor employed (or to be employed) to make necessary surveys and prepare the final partitioning map.

EXHIBIT C- ORDINANCE NO. 2011-03

(d) A statement regarding provisions for water supply, sewage disposal, solid waste disposal, fire protection, access, utilities and the like.

(e) North point, scale and date of map and the property identification by tax lot, map number, section, township and range, subdivision lot and block or other legal description.

(f) Statement regarding past, present and proposed use of the parcel(s) to be created, or the use for which the parcel(s) is to be created.

(3) Minor partition. Within 30 days of the certification of completeness for an application and tentative plan for a minor partition, the Planning Official or other duly designated City representative shall take action to either approve the application as submitted, approve with modifications or conditions, or deny the application; or, the Planning Official or other duly designated City representative may refer the subject application to the Planning Commission for review and action thereon. Review of a minor partition shall follow the procedures and policies for land use applications, hearings and decisions set forth in the City of La Pine Land Use Procedures Code

(4) Major partition. Within 60 days of the certification of completeness for an application and tentative plan for a major partitioning, the application shall be referred to the Planning Commission for the initial hearing for review and action. The Planning Commission may approve the application as submitted, approve with modifications or conditions or deny the application.

(5) Series partition. Any division of land resulting in a series partition shall be subject to review and approval by the Planning Commission. Applications for any series partition shall be made and processed in the same manner as a major partitioning. Approval requirements shall be the same as for any partition. However, the Planning Commission shall deny any such series partition when it is determined that the partitions are done for the purpose of circumventing applicable subdivision regulations.

(6) Final partition map procedures. In addition to the procedures required for City approval of a final map for a partitioning, other required processing procedures are set forth in Sections 7.0.0 and 8.0.0 of this Chapter.

(E) Requirements for approval - partitions. No partitioning shall be approved unless the following requirements are met.

(1) The proposal is in compliance with the City of La Pine Comprehensive Plan and the applicable zoning regulations.

(2) Each parcel is suited for the use intended or to be offered, including but not limited to sewage disposal, water supply, guaranteed access and utilities.

(3) All public services deemed necessary are reasonably available or are proposed to be provided by the partitioner.

(4) Proposal will not have identifiable adverse impacts on adjoining or area land uses, public services and facilities, resource carrying capacities or on any significant resources.

EXHIBIT C- ORDINANCE NO. 2011-03

(F) Survey and improvement requirements. In the approval of any land partitioning, the need for a survey, and the need for street and other public facility improvements shall be considered and such may be required as a condition of approval. Any survey and/or improvement requirements that may be required for a subdivision or other land development may be required for a partitioning, including bonding or other assurance of compliance.

(G) Final map requirements. Within 2-years of the approval of a partition, the partitioner shall have prepared and submitted to the City Planning Official or other duly designated City representative a final partition map prepared by a licensed surveyor and any other materials or documents required by the approval.

(1) The final map shall provide a certificate for approval of the subject partition by the Planning Official or other duly designated City representative. The final map shall also contain a certificate for execution by the County Tax Collector and a certificate for execution by the County Assessor. The final map shall first be submitted to and approved by the County Surveyor prior to obtaining the required signatures.

(2) Upon approval, the petitioner shall file the original map with the County Clerk, the true and exact copy with the County Surveyor and not less than six copies of the recorded plat and a computer file of the plat with the City Recorder, City Planning Official or other duly designated City representative, or County Surveyor. The County Surveyor may request an additional number of copies required at the time of final plat review if deemed appropriate.

(3) A final partition map prepared for this purpose shall comply with the recording requirements applicable to a final plat for a subdivision.

SECTION 7.0.0 FINAL MAP RECORDATION-BOUNDARY LINE ADJUSTMENT.

(A) The final map for a boundary line adjustment survey shall comply with the requirements of ORS Chapters. 92 and 209, and the original plat shall be prepared on double matte four mil minimum thickness mylar. An exact copy of the original plat shall be prepared and submitted along with the original plat and shall be made with permanent black india type ink or silver halide permanent photocopy on 4 mil minimum mylar. The surveyor shall certify that the photocopy or tracing is an exact copy of the original plat.

(B) The original plat and an exact copy shall be submitted to and approved by the City Planning Official or other duly designated City representative. The approval shall be evidenced by signature on both the original and exact copy.

(C) The original plat and exact copy shall be submitted along with the appropriate recording fee to the County Surveyor for recording into the county survey records.

(D) The original plat and exact copy shall then be submitted along with the appropriate recording fee to the County Clerk for recording into the County Clerk's records.

(E) After recording information is placed on the exact copy by the County Clerk, the exact copy and the required number of points, a minimum of six copies, unless otherwise

EXHIBIT C- ORDINANCE NO. 2011-03

specified by the County Surveyor at the time of survey recording, shall then be submitted to the County Surveyor to complete the recording process.

(F) After recording information is placed on the exact copy, a minimum of three copies shall then be submitted to the City Planning Official, together with an electronic copy in a format approved by the City of La Pine.

SECTION 8.0.0 PROCESSING AND RECORDING PROCEDURES; SUBDIVISION AND PARTITION MAPS.

(A) Submit one reproducible paper, vellum or mylar map copy to the County Surveyor.

(B) Submit closure sheets for the surveyor's certificate and a closure sheet for each lot or parcel created, and a closure sheet for dedicated areas such as roadways or public facility lots.

(C) Submit the required County Surveyor review fee as appropriate for the subdivision or partition.

(D) Submit a title report for the subdivision.

(E) Submit a post-monumentation certificate stating the intent and completion date and a bonding estimate for all subdivision plats proposed for post-monumentation. The bonding estimate is to be 120% of the estimated actual costs, office and field.

(F) After preliminary initial review of the plat, resubmit the final plat prepared on double matte four mil minimum thickness mylar, with corrections made, to the County Surveyor for final approval and signature.

(G) Remaining approval signatures shall then be executed and the final maps and an exact copy thereof submitted to the County Surveyor for recording into the survey records prior to submittal to the County Clerk for recording. The exact copy shall comply with the requirements of ORS Ch. 92 and other applicable statutes and be submitted on four mil thickness mylar.

(H) The County Surveyor recording fee shall be submitted with the final plat along with any required post-monumentation bond or letter executed by the City Attorney that the bonding requirements are met.

(I) The plat shall then be submitted to the County Clerk along with the required recording fee. After recording information is placed on the exact copy by the County Clerk, the exact copy and the required number of prints showing the recording information shall be submitted to the County Surveyor to complete the process. The number of prints required shall be twelve for a subdivision plat and six prints for a partition unless a greater number is requested by the County Surveyor at initial review.

(J) A minimum of six copies of the exact copy of the final plat showing the recording information shall also be submitted to the City Planning Director, together with an electronic copy in a format approved by the City.

SECTION 9.0.0 DEDICATION OF STREETS NOT PART OF DEVELOPMENT

(A) Application. Any person desiring to create a street or road not part of a subdivision, PUD, partition or other land development shall make written application to the City Planning Department. The application shall be made on prescribed forms and shall be accompanied by the required information and applicable filing fee.

EXHIBIT C- ORDINANCE NO. 2011-03

(B) Minimum Design Standards. The minimum standards of design and improvement for the dedication of a street or road not part of a land development shall be the same as set forth in this chapter for streets or roads within a land development unless approved otherwise by the city. The street or road shall also be in compliance with other applicable street standard regulations of the city, county or state.

(C) Procedures.

(1) Upon receipt of a written application, together with other required information and the appropriate filing fee, the Planning Director shall refer the proposal to the City Street Superintendent for review and recommendation. A copy of the application shall also be referred to the Planning Commission for review and recommendation at the first regularly scheduled meeting following receipt of the application; referral to the Commission shall be accomplished at least five working days prior to a meeting.

(2) Where the proposed road or street provides access to a county road and/or a state highway, the necessary permits for such access from the appropriate agency (ies) shall be obtained prior to City approval of the road or street.

(3) The Planning Commission and City Public Works Director shall report their findings to the Planning Director, and shall give their recommendations concerning the proposed dedication and the improvements. The Planning Commission shall also recommend a functional classification for the proposed street or road.

(4) Upon receipt of written findings and recommendations from the Planning Commission and Public Works Director, the Planning Director shall submit the proposal to the City Council for review and decision.

(5) Upon preliminary approval by the City Council, the engineering and improvements design of the street or roadway shall be prepared and submitted to the City Public Works Director for review and approval. The engineering and improvements design shall be prepared and signed by a licensed engineer, and shall be in compliance with applicable City standards and regulations.

(6) Following approval of the roadway engineering and design, the applicant shall prepare a warranty deed dedicating the street or road to the public and an improvement guarantee. The documents shall be submitted to the City Attorney for review and approval.

(7) Following receipt of the approvals set forth in divisions (5) and (6) of this Section, the deed and improvements guarantee shall be submitted to the City Council for final approval.

SECTION 10.0.0 DESIGN AND IMPROVEMENT STANDARDS/REQUIREMENTS

Section 10.1.0. Compliance Required

Section 10.2.0. Lots and Blocks

Section 10.3.0. Easements

Section 10.4.0. Land for Public Purposes

Section 10.5.0. Streets and Other Public Facilities

Section 10.6.0. Access Management

Section 10.7.0. Improvement Procedures

Section 10.8.0. Completion or Assurance of Improvements

EXHIBIT C- ORDINANCE NO. 2011-03

Section 10.9.0. Building and Occupancy Permits

Section 10.10.0. Maintenance Surety Bond

Section 10.11.0. Engineering/Special Services for Review

Section 10.1.1. Compliance Required.

Any land division or development and the improvements required therefore, whether by subdivision, PUD, partitioning, creation of a street or other right-of-way, zoning approval or other land development requiring approval pursuant to the provisions of this chapter, shall be in compliance with the design and improvement standards and requirements set forth in this subchapter, in any other applicable provisions of this chapter, in any other provisions of any other applicable city ordinance, or in any applicable state statutes or administrative rules.

Section 10.2.0. Lots and Blocks.

(A) Blocks. The resulting or proposed length, width and shape of blocks shall take into account the requirements for adequate building lot sizes, street widths, access needs and topographical limitations.

(1) No block shall be more than 660 feet in length between street corner lines unless it is adjacent to an arterial street, or unless topography or the location of adjoining streets justifies an exception, and is so approved by the reviewing authority.

(2) The recommended minimum length of a block along an arterial street is 1,260 feet.

(3) A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception; a standard exception is a block in which the building lots have rear yards fronting on an arterial or collector street.

(B) Lots. The resulting or proposed size, width shape and orientation of building lots shall be appropriate for the type of development, and consistent with the applicable zoning and topographical conditions, specifically as lot sizes are so designated for each zoning district in the City of La Pine Zoning Code.

(C) Access. Each resulting or proposed lot or parcel shall abut upon a public street, other than an alley, for a width of at least 50 feet except as otherwise approved by the city for lots fronting on a curvilinear street or cul-de-sac, but in no case shall a width of less than 35 feet be approved.

(D) Side lot lines. The side lines of lots and parcels, as far as practicable, shall run at right angles to the street upon which they front; except that on curved streets they shall be radial to the curve.

(E) Division by boundary, ROW and drainage ways. No lot or parcel shall be divided by the boundary line of the city, county or other taxing or service district, or by the right-of-way of a street, utility line or drainage way, or by an easement for utilities or other services, except as approved otherwise.

(F) Grading, cutting and filling of building lots or sites. Grading, cutting and filling of building lots or sites shall conform to the following standards unless physical conditions warrant other standards as demonstrated by a licensed engineer or geologist, and that the documentation justifying such other standards shall be set forth in writing thereby.

(1) Lot elevations may not be altered to more than an average of three feet from the natural pre-existing grade or contour unless approved otherwise by the city.

EXHIBIT C- ORDINANCE NO. 2011-03

(2) Cut slopes shall not exceed one foot vertically to one and one-half feet horizontally.

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

(4) Where grading, cutting or filling is proposed or necessary in excess of the foregoing standards, a site investigation by a registered geologist or engineer shall be prepared and submitted to the city as a part of the tentative plan application.

(a) The report shall demonstrate construction feasibility, and the geologist or engineer shall attest to such feasibility and shall certify an opinion that construction on the cut or fill will not be hazardous to the development of the property or to surrounding properties.

(b) The Planning Commission shall hold a public hearing on the matter in conformance with the requirements for a Conditional Use permit, however, such may be included within the initial hearing process on the proposed development.

(c) The Planning Commission's decision on the proposal shall be based on the following considerations.

1. That based on the geologist's or engineer's report, that construction on the cut or fill will not be hazardous or detrimental to development of the property or to surrounding properties.

2. That construction on such a cut or fill will not adversely affect the views of adjacent property(ies) over and above the subject site without land alteration, or that modifications to the design and/or placement of the proposed structure will minimize the adverse impact.

3. That the proposed grading and/or filling will not have an adverse impact on the drainage on adjacent properties, or other properties down slope.

4. That the characteristics of soil to be used for fill, and the characteristics of lots made usable by fill shall be suitable for the use intended.

(G) Through or double-frontage lots and parcels. Through or double-frontage lots and parcels are to be avoided whenever possible, except where they are essential to provide separation of residential development and to avoid direct vehicular access from major traffic arterials or collectors, and from adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. When through or double-frontage lots or parcels are desirable or deemed necessary, a planting screen easement of at least four to six feet in width, and across which there shall be no right of vehicular access, may be required along the line of building sites abutting such a traffic way or other incompatible uses.

(H) Special building setback lines. If special building setback lines, in addition to those required by the applicable zoning, are to be established in a development, they shall be shown on the final plat of the development and included in the deed restrictions.

(I) Large building lots; redivision. In the case where lots or parcels are of a size and shape that future redivision is likely or possible, the City may require that the blocks be of a size and shape so that they may be redivided into building sites as intended by the underlying zone. The development approval and site restrictions may require provisions for the extension and opening of streets at intervals which will permit a subsequent redivision of any tract of land into lots or parcels of smaller sizes than originally platted.

Section 10.3.0. Easements.

EXHIBIT C- ORDINANCE NO. 2011-03

(A) Utility lines. Easements for sewer lines, water mains, electric lines or other public utilities shall be as required by the serving entity, but in no case be less than 10 feet wide and centered on a rear and/or side lot line unless approved otherwise by the City. Utility pole tie-back easements may be reduced to 5 feet in width.

(B) Water courses. If a tract is traversed by a water course, such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further widths as deemed necessary.

(C) Pedestrian and bicycle ways. When desirable for public convenience, a pedestrian and/or bicycle way of not less than 10 feet in width may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block, or to otherwise provide appropriate circulation and to facilitate pedestrian and bicycle traffic as an alternative mode of transportation. Improvement of the easement with a minimum 5 foot wide paved or other suitable surface will be required.

(D) Sewer and water lines. Easements may also be required for sewer and water lines, and if so required, shall be provided for as stipulated to by the City Public Works Department and/or Water and Sewer District.

Section 10.4.0. Land for Public Purposes.

(A) If the City has an interest in acquiring a portion of a proposed development for a public purpose, it shall notify the property owner as soon as the City Council authorizes the transaction to proceed.

(B) Within a development, or adjacent to a development in contiguous property owned by the developer, a parcel of land of not more than 5% of the gross area of the development may be required to be set aside and dedicated to the public for parks and recreation purposes by the developer. The parcel of land, if required, shall be determined to be suitable for the park and/or recreation purpose(s) intended, and the city may require the development of the land for the park or recreation use intended or identified as a need within the community.

(C) In the event no such area is available that is found to be suitable for parks and/or recreation uses, the developer may be required, in lieu of setting aside land to pay to the appropriate parks and recreation agency a sum of money equal to the market value of the area required for dedication, plus the additional funds necessary for the development thereof if so required; if such is required, the money may only be utilized for capital improvements by the appropriate parks and recreation agency.

(D) If there is a systems development charge in effect for parks, the foregoing land and development or money dedication (if required) may be provided for in lieu of an equal value of systems development charge assessment if so approved by the collecting agency in accordance with the applicable provisions of the system development charge ordinance. If the collecting agency will not permit the land or money dedication in lieu of an applicable systems development charge, then the land and development or money dedication shall not be required.

(E) If the nature and design, or approval, of a development is such that over 30% of the tract of land to be developed is dedicated to public uses such as streets, water or sewer system facilities and the like, then the requirements of this subsection shall be reduced so that the total obligation of the developer to the public does not exceed 30%.

EXHIBIT C- ORDINANCE NO. 2011-03

Section 10.5.0. Streets and Other Public Facilities.

(A) Duties of developer. It shall be the responsibility of the developer to construct all streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, telephone and cable television lines necessary to serve the use or development in accordance with the specifications of the city and/or the serving entity.

(B) Undergrounding of utility lines. All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.

(C) Location, width, and grade of streets. The location, width and grade of streets shall be considered in their relationship to existing and planned streets, to topographical conditions, to public convenience and safety and to the proposed use or development to be served thereby.

(D) Traffic circulation system. The overall street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain of the development and the area. An analysis of the proposed traffic circulation system within the land division, and as such system and traffic generated there from affects the overall City of La Pine transportation, will be required to be submitted with the initial land division review application.

(E) Street location and pattern. The proposed street location and pattern shall be shown on the development plan, and the arrangement of streets shall:

- (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
- (2) Conform to a plan for the general area of the development approved by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; and
- (3) Conform to the adopted Urban Area Transportation System Plan as may be amended.

(F) Minimum right-of-way and roadway widths. Unless otherwise approved in the tentative development plan, street, sidewalk and bike rights-of-way and surfacing widths shall not be less than the minimum widths in feet set forth in the following table, and shall be constructed in conformance with applicable standards and specifications set forth by the city.

Classification	ROW Width	Roadway Width
One-way major arterial (2 lanes w/parking & bike lane)	70 ft.	40 ft.
Two-way major arterial (5 lanes w/bike lanes)	80-100 ft.	60 ft.
Minor arterial (3-5 lanes w/bike lanes)	80-100 ft.	48 ft.
Collector (2 lanes w/bike lanes)	60-80 ft.	40-50 ft.
Local residential	60 ft.	28-32 ft.
Cul-de-sacs	50 ft.	28-32 ft.
Radius - cul-de-sac turn around	50 ft.	45 ft.
Alleys	20 ft.	20 ft.
Sidewalks	6-12 ft.	4-12 ft.
Bikeways	4-8 ft.	4-8 ft.

EXHIBIT C- ORDINANCE NO. 2011-03

(G) Alignment. All streets, as far as practicable, shall be in alignment with existing streets by continuations of the center lines thereof. Necessary staggered street alignment resulting in intersections shall, wherever possible, leave a minimum distance of 200 feet between the center lines of streets of approximately the same direction, and in no case shall the off-set be less than 100 feet.

(H) Future street extensions. Where necessary to give access to or permit future subdivision or development of adjoining land, streets shall be extended to the boundary of the proposed development or subdivision.

(I) Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practicable, and in no case shall an acute angle be less than 80 degrees unless there is a special intersection design approved by the City Engineer or other duly designated City representative as applicable. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection, and the intersection of more than two streets at any one point will not be approved.

(J) Inadequate existing streets. Whenever existing streets, adjacent to, within a tract or providing access to and/or from a tract, are of inadequate width and/or improvement standards, additional right-of-way and/or improvements to the existing streets may be required.

(K) Cul-de-sacs. A cul-de-sac shall terminate with a circular turn around with a minimum radius of 45 feet of paved driving surface and a 50 foot right-of-way.

(L) Marginal access streets. Where a land development abuts or contains an existing or proposed arterial street, the city may require marginal access streets, reverse frontage lots with suitable depth, screen-plantings contained in a non-access reservation strip along the rear or side property line or other treatments deemed necessary for adequate protection of residential properties and the intended functions of the bordering street, and to afford separation of through and local traffic.

(M) Streets adjacent to railroad right-of-way. Whenever a proposed land development contains or is adjacent to a railroad right-of-way, provisions may be required for a street approximately parallel to the ROW at a distance suitable for the appropriate use of land between the street and the ROW. The distance shall be determined with consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting or other separation requirements along the ROW.

(N) Reserve Strips. Reserve strips or street plugs controlling access to streets will not be approved unless deemed necessary for the protection of public safety and welfare and may be used in the case of a dead-end street planned for future extension, and in the case of a half street planned for future development as a standard, full street.

(O) Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of a proposed land development, and when the City finds it will be practical to require dedication and improvement of the other half of the street when the adjoining property is developed. Whenever a half street exists adjacent to a tract of land proposed for development, the other half of the street shall be dedicated and improved.

(P) Curves. Centerline radii of curves should not be less than 500 feet on major arterials, 300 feet on minor arterials, 200 feet on collectors or 100 feet on other streets and shall be on an even ten feet. Where existing conditions, particularly topography, make it otherwise impractical to provide building sites, the City may accept steeper grades and sharper curves than provided for herein in this division (P).

EXHIBIT C- ORDINANCE NO. 2011-03

(Q) Street grades. Street grades shall not exceed 8% on arterials, 10% on collectors and 12% on all other streets including private driveways entering upon a public street or highway; however, for streets at intersections, and for driveways entering upon a public street or highway, there should be a distance of three or more car lengths (approximately 50 feet) where the grade should not exceed 6% to provide for proper stopping distance during inclement weather conditions.

(R) Street names. Except for the extension of existing streets, no street names shall be used which will duplicate or be confused with the name of an existing street in the city or within a radius of six miles of the city or within the boundaries of a special service district such as fire or ambulance. Such street names shall be approved by the Deschutes County street name coordinator.

(S) Street name signs. Street name signs shall be installed at all street intersections by the developer in accordance with applicable city, county or state requirements. One street sign shall be provided at the intersection of each street, and two street signs shall be provided at four-way intersections.

(T) Traffic control signs. Traffic control signs shall be provided for and installed by the developer as required and approved by the appropriate city, county and/or state agency or department.

(U) Alleys. Alleys are not necessary in residential developments, but may be required in commercial and industrial developments unless other permanent provisions for access to off-street parking and loading facilities are approved by the city.

(V) Curbs. Curbs shall be required on all streets in all developments, and shall be installed by the developer in accordance with standards set forth by the city unless otherwise approved by the city. Approval of streets without curbs shall be at the discretion of the City Engineer, and shall be so determined during the tentative plan land division review process on the basis of special circumstances to the development.

(W) Sidewalks. Unless otherwise required in this chapter or other city ordinances or other regulations, or as otherwise approved by the Commission, sidewalks shall be required as set forth hereinafter. In lieu of these requirements, however, the City may approve a development without sidewalks if alternative pedestrian routes and facilities are provided.

(1) Local residential streets. For streets classified as local residential streets, sidewalks of not less than four feet in width (five feet preferred) may be required on both sides of the street, and shall be required on at least one side of the street.

(2) Collector streets. For streets classified as collector streets, sidewalks shall be provided for on each side of the street and shall be a minimum of five feet in width in residential areas and eight feet in width in commercial areas unless otherwise provided for in the applicable zone.

(3) Arterial streets. For streets classified as arterial streets, sidewalks shall be provided for on each side of the street and shall be a minimum of five feet in width in residential areas and eight feet in width in commercial areas unless otherwise provided for in the applicable zone.

(X) Bike lanes. Unless otherwise required in this chapter or other city ordinances or other regulations, bike lanes shall be required as follows, except that the Planning Commission may approve a development without bike lanes if it is found that the requirement is not appropriate to or necessary for the extension of bicycle routes, existing or planned, and may also

EXHIBIT C- ORDINANCE NO. 2011-03

approve a development without bike lanes in the streets if alternative bicycle routes and facilities are provided.

- (1) Local residential streets. Not required.
- (2) Collector streets. Bike lanes may be required on both sides of collector streets, and if required, shall not be less than 6 feet in width.
- (3) Arterial streets. Bike lanes may be required on both sides of arterial streets, and if required, shall not be less than 6 feet in width.

(Y) Street lights. Street lights may be required and, if so required, shall be installed by the developer in accordance with standards set forth by the city and the serving utility company. Street lights, if required, shall include one (1) fixture and be located at the intersection of streets.

(Z) Utilities. The developer shall make necessary arrangements with the serving utility companies for the installation of all proposed or required utilities, which may include electrical power, natural gas, telephone, cable television and the like.

(AA) Drainage facilities. Drainage facilities shall be provided as required by the City in accordance with all applicable City and Oregon Department of Environmental Quality standards.

Section 10.6.0. Access Management.

(A) General. Access management restrictions and limitations consist of provisions managing the number of access points and/or providing traffic and facility improvements that are designed to maximize the intended function of a particular street, road or highway. The intent is to achieve a balanced, comprehensive program which provides reasonable access as new development occurs while maintaining the safety and efficiency of traffic movement.

(B) Access management techniques and considerations. In the review of all new development, the reviewing authority shall consider the following techniques or considerations in providing for or restricting access to certain transportation facilities.

(1) Access points to arterials and collectors may be restricted through the use of the following techniques.

(a) Restricting spacing between access points based on the type of development and the speed along the serving collector or arterial.

(b) Sharing of access points between adjacent properties and developments.

(c) Providing access via a local order of street; for example, using a collector for access to an arterial, and using a local street for access to a collector.

(d) Constructing frontage or marginal access roads to separate local traffic from through traffic.

(e) Providing service drives to prevent overflow of vehicle queues onto adjoining roadways.

(2) Consideration of the following traffic and facility improvements for access management.

(a) Providing of acceleration, deceleration and right-turn-only lanes.

(b) Offsetting driveways to produce T-intersections to minimize the number of conflict points between traffic using the driveways and through traffic.

(c) Installation of median barriers to control conflicts associated with left turn movements.

EXHIBIT C- ORDINANCE NO. 2011-03

(d) Installing side barriers to the property along the serving arterial or collector to restrict access width to a minimum.

(C) General access management guidelines. In the review and approval of new developments, the reviewing authority shall consider the following guidelines.

(1) Minimum spacing between driveways and/or streets:

Major arterial	500 feet
Minor arterial	300 feet
Collector	100 feet
Local streets	one access to each lot

(2) Minimum spacing between street intersections:

Major arterial	1/4 mile
Minor arterial	600 feet
Collector	300 feet
Local streets	300 feet

(D) Special access management guidelines. In the review and approval of new developments proposing access to certain identified highways, the reviewing authority shall consider the following guidelines.

(1) Minimum spacing between driveways and/or streets.

(2) Minimum spacing between street intersections.

Section 10.7.0. Improvement Procedures.

Improvements to be installed by the developer, either as a requirement of this chapter, conditions of approval or at the developer's option as proposed as a part of the subject development proposal, shall conform to the following requirements.

(A) Plan review and approval. Improvement work shall not be commenced until plans therefore have been reviewed and approved by the City or a designated representative thereof. The review and approval shall be at the expense of the developer.

(B) Modification. Improvement work shall not commence until after the City has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the City is notified and approval thereof granted.

(C) Improvements as platted. Improvements shall be designed, installed and constructed as platted and approved, and plans therefore shall be filed with the final plat at the time of recordation or as otherwise required by the City.

(D) Inspection. Improvement work shall be constructed under the inspection and approval of an inspector designated by the City, and the expenses incurred therefore shall be borne by the developer. Fees established by the City Council for such review and inspection may be established in lieu of actual expenses. The city, through the inspector, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest.

(E) Utilities. Underground utilities, including, but not limited to electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets shall be constructed by the developer prior to the surfacing of the streets.

(F) As built plans. As built plans for all public improvements shall be prepared and completed by a licensed engineer and filed with the City upon the completion of all such improvements. A copy of the as built plans shall be filed with the final plat of a subdivision or

EXHIBIT C- ORDINANCE NO. 2011-03

other development by and at the cost of the developer. The plans shall be completed and duly filed within 30 days of the completion of the improvements.

Section 10.8.0. Completion or Assurance of Improvements.

(A) Agreement for improvements. Prior to final plat approval for a subdivision, partition, PUD or other land development, or the final approval of a land use or development pursuant to applicable zoning provisions, where public improvements are required, the owner and/or developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or shall execute and file with the City an agreement between him/herself and the City specifying the period in which improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, that the City may complete the work and recover the full costs thereof, together with court costs and attorney costs necessary to collect the amounts from the developer. The agreement shall also provide for payment to the City for the cost of inspection and other engineer services directly attributed to the project.

(B) Bond or other performance assurance. The developer shall file with the agreement, to assure his/her full and faithful performance thereof, one of the following, pursuant to approval of the City Attorney and City Manager, and approval and acceptance by the City Council.

(1) A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.

(2) A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to proceed in accordance with the agreement.

(3) Cash deposit.

(4) Such other security as may be approved and deemed necessary by the City Council to adequately assure completion of the required improvements.

(C) Amount of security required. The assurance of full and faithful performance shall be for a sum approved by the City as sufficient to cover the cost of the improvements and repairs, including related engineering, inspection and other incidental expenses, plus an additional 20% for contingencies.

(D) Default status. If a developer fails to carry out provisions of the agreement, and the city has unreimbursed costs or expenses resulting from the failure, the City shall call on the bond or other assurance for reimbursement of the costs or expenses. If the amount of the bond or other assurance deposit exceeds costs and expenses incurred by the City, it shall release the remainder. If the amount of the bond or other assurance is less than the costs or expenses incurred by the city, the developer shall be liable to the city for the difference plus any attorney fees and costs incurred.

Section 10.9.0. Building and Occupancy Permits.

(A) Building permits. No building permits shall be issued upon lots to receive and be served by sanitary, sewer and water service and streets as improvements required pursuant to this chapter unless the improvements are in place, serviceable and approved by the City, with the service connections fees paid, and accepted by the City Council.

(B) Sale or occupancy. All improvements required pursuant to this chapter and other applicable regulations or approval conditions shall be completed, in service and approved by the

EXHIBIT C- ORDINANCE NO. 2011-03

City, and accepted by the City Council, prior to sale or occupancy of any lot, parcel or building unit erected upon a lot within the subdivision, partitioning, PUD or other development.

Section 10.10.0. Maintenance Surety Bond.

Prior to sale and occupancy of any lot, parcel or building unit erected upon a lot within a subdivision, partitioning, PUD or other development, and as a condition of acceptance of improvements, the City will require a one-year maintenance surety bond in an amount not to exceed 20% of the value of all improvements, to guarantee maintenance and performance for a period of not less than one year from the date of acceptance.

Section 10.11.0. Engineering/Special Services for Review.

With regard to any development proposal for which the City deems it necessary to contract for engineering and/or other special technical services for the review thereof or for the design of facility expansions to serve the development, the developer may be required to pay all or part of the special services. In such cases, the choice of the contract service provider shall be at the discretion of the City, and the service provider shall perform the necessary services at the direction of the City. The costs for the services shall be determined reasonable, and an estimate of the costs shall be provided to the developer prior to contracting therefore.

EFFECTIVE DATE & ADOPTION

Effective Date

This Ordinance shall take effect once the City and County agree to a transition of services program and thirty (30) days after the date of the joint approval of such program.

Adoption

We hereby certify that this Ordinance was adopted by the City Council, Deschutes County, Oregon this _____ day of _____, 2010.

Mayor Ken Mullenex