

## Ordinance No. 259

### MORO SUBDIVISION AND PARTITIONING ORDINANCE

AN ORDINANCE OF THE CITY OF MORO, OREGON;  
ESTABLISHING A LAND SUBDIVISION AND PARTITIONING  
ORDINANCE TO ASSURE THE ORDERLY DEVELOPMENT OF  
SAID CITY; ESTABLISHING RULES AND REGULATIONS FOR LAND  
DEVELOPMENT; AND PROVIDING FOR PENALTIES UPON  
CONVICTION FOR VIOLATIONS OF THE RULES

The City of Moro, Sherman County, Oregon, ordains as follows:

#### General Provisions

SECTION 1. TITLE. This ordinance shall be known as the "Subdivision and Partitioning Ordinance" of the City of Moro, Oregon.

SECTION 2. PURPOSE. The purpose of this ordinance is to enact subdivision regulations for the City which will provide for better living conditions within new subdivisions; assure necessary streets, utilities, and public areas and provide for their installation or improvement; enhance and secure property values in subdivisions and adjacent land; simplify and make land descriptions more certain; implement the comprehensive land use plan; and, in general, to promote the health, safety, convenience, and general welfare of the people of Moro.

SECTION 3. COMPLIANCE REQUIRED. It shall be unlawful for any person to create any street or way for the purpose of partitioning land; or to dispose of, transfer, sell, or agree to offer to sell any lot or parcel of land if the same constitutes or is part of a process of subdivision or minor land partition as defined in Section 4, or if the sale, transfer, or offer is made by reference to or exhibition of a plat or plan of a subdivision unless all the requirements of Sections 1 to 36 of this Ordinance with regard to such subdivision or land partition, or the creation of such street or way, have been complied with. In the event of an unlawful subdivision or partitioning contrary to this section, each day during which the subdivider thereafter fails to bring the subdivision into total compliance with this ordinance shall be deemed a separate offense punishable by fine not exceeding \$500.00.

SECTION 4. DEFINITIONS. As used in Sections 1 to 36, unless the context otherwise requires, the following words and phrases shall mean:

- (1) Access or Access Way. The place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property.

- (2) Alley. A public way permanently dedicated or reserved as a secondary means of access to abutting property.
- (3) Block. A contiguous series of lots bounded on all sides by streets, railroad rights-of-way, or unsubdivided land.
- (4) Building or Setback Line. A dashed line on a plat restricting the location of buildings or structures or that distance as prescribed by the Zoning Ordinance, when applicable.
- (5) City. The City of Moro, a municipal corporation of the State of Oregon.
- (6) City Administrator or City Recorder. The duly appointed administrative officer of the City of Moro, or a person designated to fulfill the obligations as set forth in this ordinance.
- (7) City Engineer. The duly appointed City Engineer of the City of Moro.
- (8) Comprehensive Plan. A plan adopted by the City Council providing the objectives and policy guidelines for the growth and development of the City, including amendments thereto.
- (9) Contiguous Land. Two or more parcels or units of land including water under a single ownership which share a common boundary line.
- (10) Curb Line. The line dividing the roadway from a planting strip or footway.
- (11) Design. The design of any street or alley, alignments, grade or width, alignment or width of easements and rights-of-way for drainage or irrigation purposes and sanitary facilities.
- (12) Easement. A grant of the right to use a strip of land for specific purposes.
- (13) Legal Description. The method by which the outer boundaries of a site or premises and all appurtenant easements and applicable restrictions or covenants are described or established by reference to established points, monuments, etc.
- (14) Lot. A unit of land that is created by an approved subdivision of land.
- (15) Lot, Area. The total horizontal net area within the lot lines of a lot.
- (16) Lot, Corner. A lot situated at the intersection of two (2) or more streets.
- (17) Lot, Depth. The depth of a lot shall be the horizontal length of a straight line connecting the bisecting points of the front and rear lot lines.
- (18) Lot, Double Frontage. An interior lot having frontage on and with access on two (2) parallel or approximately parallel streets.

- (19) Lot, Interior. A lot other than a corner lot or reverse corner lot.
- (20) Lot, Key. The first lot to the rear of a reversed corner whether or not separated by an alley.
- (21) Lot Line, Front. In the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the line separating the narrowest street frontage of the lot from the street.
- (22) Lot Line, Rear. A lot line which is opposite and most distant from the front lot line.
- (23) Lot Line, Side. Any lot boundary line not a front line or a rear lot line.
- (24) Lot, Reverse Corner. A corner lot which rears upon the side yard of another lot.
- (25) Lot, Width. The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- (26) Minimum Road Standard. That standard which must be met by a road before it may be used in a subdivision or partition or is accepted for dedication to the City.
- (27) Nonconforming Structure or Use. A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is now located.
- (28) Owner. The individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest in the land sought to be subdivided or partitioned to commence and maintain proceedings to subdivide or partition the same under this ordinance.
- (29) Official Map. The Comprehensive Plan Map as adopted by the City Council for the City of Moro.
- (30) Partition Land. To divide an area or tract of land into two (2) or three (3) parcels within a calendar year when such area or tract exists as a unit of contiguous land under a single ownership. "Partition land" does not include division of land resulting from creation of cemetery lots; and "partition land" does not include any adjustment of a lot line by relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot or parcel size established by applicable zoning ordinance.
- (31) Parking Space. A rectangular area not less than 20 feet long and 8.5 feet wide, together with maneuvering and access space required for a standard American automobile to park within the rectangle.
- (32) Parcel. A tract of land as created by a partitioning of land.

- (33) Pedestrian Way. A right-of-way for pedestrian traffic.
- (34) Plat. A map, diagram, drawing, or replat containing all descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition as specified by this ordinance.
- (35) Right-of-Way. The area between the boundary lines of an alley, easement, street, or highway.
- (36) Roadway. The improved width portion of the right-of-way of a street or highway developed for vehicular traffic.
- (37) Sidewalk. A pedestrian walkway with permanent surfacing.
- (38) Street. A public way for sidewalk, roadway, and utility installations, being the entire width from lot line to lot line and including the terms "road", "highway", "lane", "place", "avenue", "alley", or other similar designations.
- A. Arterial Street: A street used primarily for through traffic.
- B. Collector Street: A street used to some extent for through traffic and to some extent for access to abutting properties.
- C. Residential Street: A street used primarily for access to abutting properties.
- D. Alley: A narrow street through a block which affords only secondary means of access to abutting property at the rear or sides thereof.
- E. Cul-de-sac (dead end street): A short street having one end open to traffic and being terminated by a vehicle turn-around.
- F. Half-street: The dedication of a portion only half of the width of a street, usually along the edge of a subdivision, where the remaining portion of a street has been or could later be dedicated in another subdivision.
- (39) Structure. That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts wired together in some manner and which requires location on the ground or which is attached to something having a location on the ground.
- (40) Subdivide Land. To divide an area or tract of land into four (4) or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the time of adoption of this ordinance.
- (41) Subdivider. Any person, firm, corporation, partnership or association who causes the land to be divided into a subdivision as defined herein.

(42) Tentative Plan. Initial diagram of a proposed subdivision or partition.

SECTION 5. POWERS OF THE CITY.

- (1) The City Council is hereby designated as the approving agency with respect to subdivision or partitioning of land, as provided in the State subdivision laws.
- (2) The City Council shall have all the powers and duties with respect to tentative and final subdivision and partitioning maps, and the procedure relating thereto, which are specified by law and by this ordinance.
- (3) The City Council shall generally follow the statutory process for Limited Land Use decisions to review subdivisions and partitions.

## **Subdivision or Partition of Land**

### Subdivision or Partition Map - Tentative

SECTION 6. INITIAL SUBMISSION. Ten (10) copies of a tentative plan and a statement of any proposed subdivision or partition shall be submitted to the City Administrator at least thirty (30) days prior to the meeting of the City Council at which consideration is desired, together with an initial filing fee of \$300.00, and \$10.00 for every lot over twenty (20) lots. The applicant(s) will be required to reimburse the City for all administrative costs for processing the Tentative Plan prior to receiving the final signed approval copy of the Tentative Plan/Final Plat.

SECTION 7. PRELIMINARY REVIEW.

- (1) The City Recorder shall transmit one (1) copy of the tentative plan to the designated City Engineer, and additional copies to the City departments and other public officials as deemed necessary. Each City department, upon receipt of a copy of the tentative plan, shall examine the map for conformance with requirements coming within the authoritative scope of the department; and, within six (6) days after receipt of the tentative plan, shall make a written report outlining any issues or noncompliance with City Standards to the City Recorder. The City Recorder shall prepare a report on the tentative plan for submission to the City Council. The report shall include information on zoning in the area and the compatibility of the proposed development with the existing zoning and include the information prepared by each of the City Departments along with any other information which appears pertinent to the City Council's review of the tentative plan.
- (2) Copies of the tentative plan may be submitted to the following additional officials, and they will be given at least seven days to review the plan and submit comments:
  - A. The County Surveyor and the County Assessor.

- B. The County Health Department, if the property is inside the City and the installation of sanitary sewer is not contemplated, or if there is other indication of possible sanitation problems.
- C. The State Highway Department, if the property is adjacent to a state highway.

SECTION 8. TENTATIVE PLAN SCALE. Tentative plans shall be to a scale of 1 inch equals 100 feet or better; except tracts over 100 acres, which may be to a scale of 1 inch equals 200 feet, and shall be clearly and legibly reproduced.

SECTION 9. INFORMATION ON TENTATIVE PLAN. The tentative plan shall contain the following information:

- (1) The proposed subdivision's name, date, north point, scale, and sufficient description to define the location and boundaries of the proposed subdivision or partition.
- (2) Name and address of record owner or owners of the proposed subdivision or partition.
- (3) Name and address of the subdivider.
- (4) Name, business address, and number of the registered engineer or licensed surveyor who prepared the map of the proposed subdivision or partition.
- (5) The locations, names, widths, approximate radii of curves, and grades of all existing and proposed streets and easements in the proposed subdivision and along the boundaries thereof, and the names of adjoining platted subdivisions and portions of the subdivisions as shall be necessary to show the alignment of streets and alleys therein with the streets and alleys in the proposed subdivision or partition.
- (6) Names of the record owners of all contiguous land within 100 feet of exterior boundaries of the tentative plan.
- (7) The approximate location and character of all existing and proposed easements and public utility facilities, including water and sewer lines in the subdivision or partition.
- (8) Approximate lot layout and approximate dimensions of each lot and each to be consecutively numbered.
- (9) Setback lines, if any, proposed by the subdivider.
- (10) The outline of any existing buildings and their use, showing those which will remain.

- (11) Contour lines on lands with slopes greater than five (5) percent.
- (12) City Limits or Zoning Boundary Lines crossing or bounding the subdivision or Partition.
- (13) Approximate location of all areas subject to inundation or storm water overflow and the location, width, high water elevation flood flow and direction of flow of all watercourses.
- (14) Any areas proposed to be cut or filled or otherwise graded or protected from flooding.
- (15) If impractical to show on the tentative map, a key map showing the location of the tract in relationship to section and township lines and to adjacent property and major physical features, such as streets, railroads, watercourses, and cliffs.

SECTION 10. INFORMATION IN STATEMENT. The statement to accompany the tentative plan shall contain the following information:

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

SECTION 11. CITY COUNCIL PROCEDURE OF TENTATIVE SUBDIVISION OR PARTITION PLAN. The City Council shall follow the statutory requirements for a limited land use decision in reviewing tentative subdivision or partition plans. The City shall provide written notice to owners of property within 100 feet of the entire contiguous site for which the application is made. The property owner list shall be obtained from the most recent property tax assessment role. The notice shall contain the following.

- (1) Provide a fourteen (14) day period for submission of written comments prior to the decision.
- (2) State that issues which may provide the basis for an appeal to the Land Use Board of Appeals may be raised in writing prior to expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.
- (3) List by commonly used citation the applicable criteria for the decision.
- (4) Set forth the street address or other easily understood geographical reference to the subject property.

- (5) State the place, date and time that the comments are due.
- (6) State that copies of all evidence relied upon by the applicant are available for review and that copies can be obtained at cost.
- (7) Include the name and telephone number of the local government contact person.
- (8) Briefly summarize the local decision making process for the limited land use decision being made.

The City Council shall determine whether the tentative plan is in conformity with the provisions of law and of Sections 1 to 36 of this Ordinance. A public meeting conducted by the City Council to approve, conditionally approve, or disapprove the proposed subdivision plan shall be held not later than sixty (60) days from the first regular City Council meeting following submission of the plat. Approval of the tentative plan shall indicate the City Council's commitment to approve of the final plat, provided there is no change in the actual development of subdivision or partition as shown on the approved tentative plan and there is full compliance with all requirements of Sections 1 to 36 of this Ordinance. The action of the City Council shall be noted on three copies of the tentative plan. One copy shall be returned to the subdivider, one shall be transmitted to the City Engineer, and the other retained by the City Administrator together with an order setting forth the action of the City Council.

The City will provide notice of decision to the applicant and any person who submits comments under subparagraph (1) of this paragraph. Notice of decision must include an explanation of appeal rights.

### Subdivision or Partition Map - Final

SECTION 12. SUBMISSION OF FINAL MAP. The subdivider shall cause the proposed subdivision or partition, or any part thereof, to be surveyed and a final map prepared in conformance with the tentative map as approved or conditionally approved by the City Council. A tracing and five blue-line or black-line prints of the final map shall be submitted to the City Administrator, together with a fee of \$50.00, within one year after approval or conditional approval of the Tentative Plan. The tracing and prints are in addition to those required by Oregon statutes. An extension of time for filing of the final map may be granted by the City Council, provided written application is made by the subdivider within one year after the City Council's approval of the tentative map.

SECTION 13. SUPPLEMENTAL DATA. At the time of the submission of the final map, the subdivider shall also submit the following:

- (1) A preliminary title report issued by a recognized title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
- (2) Sheets and drawings showing the following:

- A. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners, donation land claim corners, if any, or triangulation systems, and showing the error of closure, if any.
  - B. The computation of all distances, angles, and courses shown on the final map.
  - C. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.
  - D. Coordinates of all block corners and all street center points.
- (3) A copy of any deed restrictions applicable to the subdivision.

SECTION 14. FORM OF FINAL MAP. The final subdivision map shall be prepared in accordance with the provisions of Sections 1 to 36 of this Ordinance and state laws, including but not limited to ORS 92.000. All tracings required shall be in accordance with state standards, including but not limited to ORS 92.120.

SECTION 15. INFORMATION ON FINAL MAP. The final map shall, in addition to other information required by law, show the following:

- (1) The date, scale, north point (generally pointing up), legend, and controlling landmarks (i.e. creeks, highways, railroads, cliffs, etc.).
- (2) Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
  - A. All stakes, monuments, or other evidence found on the ground and used to establish the initial point of the subdivision boundary, and to otherwise determine the boundaries of the subdivision.
  - B. Adjoining corners of all adjoining subdivisions.
  - C. Whenever there has been established or adopted a system of coordinates, ties into this system, but in the absence of such a system, township and section and donation land claim lines within or adjacent to the plat.
  - D. Whenever the City has established the centerline of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset.
  - E. All other monuments found or established in making the survey of the subdivision, or required to be installed by the provisions of Sections 1 to 36 of this Ordinance.
- (3) Tract boundary lines, right-of-way lines, and centerlines of streets, and lot and block lines with dimensions, bearings, or deflection angles and radii, arcs, points or

curvature, and tangent bearings. Tract boundary and street bearings shall be shown to the nearest 10 seconds with basis of bearings. All distances shall be shown to the nearest 0.01 foot. Error of closure shall be within the limit of 1 foot in 10,000 feet.

- (4) The location of additional monuments, which are to be set upon completion of improvements.
- (5) The center and side lines of all streets, the width of the portion being dedicated, the width of existing rights-of-way, and the widths of each side of the centerline. For streets on curvature, all curve data shall be based on the street centerline, indicating thereon the radius and central angle. Block corner curb data to be shown separately.
- (6) All easements clearly labeled and identified, and, if already of record, the recorded reference. If any easement is not definitely located of record, a statement of the easement. Easements shall be denoted by fine dotted lines. The widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.
- (7) Lot numbers beginning with the number "1" and numbered consecutively in a clockwise direction, unless in conflict with adjoining subdivisions.
- (8) Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid and of sufficient size and thickness to stand out and shall be so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.
- (9) Appropriate words, symbols, or legends distinguishing lots intended for sale from land parcels to be dedicated for any purpose, public or private, with all dimensions, boundaries, and courses clearly shown and defined in every case.

SECTION 16. CERTIFICATIONS. The following certificates shall appear on the final map as submitted. The certificates may be combined where appropriate.

- (1) A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the map; provided, however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map:
  - A. Rights-of-way, easements, or other interest, none of which can ripen into a fee.
  - B. Rights-of-way, easements, or reversions which, by reason of changed conditions, long disuse, or laches, appear to be no longer of practical use

or value, where release thereof is impossible or impractical to obtain. Any subdivision map, including land originally patented by the United States or the State of Oregon, under patent reserving interest to either or both of these entities, may be recorded under the provisions of Sections 1 to 36 without the consent of the United States or the State of Oregon thereto, or to dedication made thereon if the interest reserved is not inconsistent with the use for which the land is being subdivided.

- (2) A certificate signed and acknowledged as above offering for dedication all parcels of land shown on the final map and intended for any public use; except those parcels other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants, and servants.
- (3) A certificate signed and acknowledged by the engineer or surveyor responsible for the survey and final map, the signature of such engineer or surveyor to be accompanied by his seal.
- (4) Provisions for additional certificates and acknowledgements required by law.

**SECTION 17. APPROVAL BY CITY ENGINEER.** Upon receipt, the final map and other data submitted to the City Administrator shall be referred to the City Engineer, who shall examine it to determine that the subdivision as shown is substantially the same as it appeared on the tentative map as approved; that all provisions of the law and Sections 1 to 36 of this Ordinance applicable at the time of approval of the tentative map have been complied with; and that the map is technically correct. The City Engineer may make checks in the field, as he may desire, to verify that the map is sufficiently correct on the ground; and he may enter the property for this purpose. If the City Engineer shall determine that full conformity has not been made, he shall advise the subdivider of the changes or additions that must be made for these purposes, and shall afford the subdivider an opportunity to make the changes or additions. If the City Engineer determines that full conformity has been made, he shall so certify on the map and shall transmit the map to the City Council.

**SECTION 18. FINAL APPROVAL OF CITY COUNCIL.** Upon return of the final map by the City Engineer, the City Council shall examine the same to determine whether the map conforms with the tentative map and/or with all changes permitted and all requirements imposed as a condition of its acceptance. If the City Council does not approve the map, it shall advise the subdivider of the changes or additions that must be made for this purpose, and shall afford him an opportunity to make the same. If the City Council determines that the map conforms to all requirements, it shall approve the same; but before certifying its approval thereon, it shall require the subdivider to file the agreement and bond, or make the deposit, required in Sections 19 and 20; and when the agreement and bond have been filed and approved as prescribed, the City Council's approval shall be endorsed upon the map by execution of the appropriate certificate, as prescribed by law.

**SECTION 19. AGREEMENT FOR IMPROVEMENTS.** Before City Council approval is certified on the final map, the subdivider shall either install required improvements or shall execute and file with the recorder-treasurer an agreement between himself and the City, specifying the period within which he or his agent or contractor shall complete all improvement work required by or pursuant to Sections 1 to 36; and, providing that if he shall fail to complete the work within the

period, the City may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for reimbursement of the City by the subdivider for the cost of inspection by the City Engineer. The agreement may also provide for the construction of the improvements in units, for an extension of time under conditions therein specified, and for the termination of the agreement upon the completion, and proceedings under an assessment district act for the construction of improvements specified in the agreement and required to be constructed by the subdivider.

#### SECTION 20. BOND.

- (1) The subdivider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:
  - A. A surety bond executed by a surety company authorized to transact business in the State of Oregon.
  - B. Cash.
- (2) The assurance of full and faithful performance shall be for a sum approved by the City Administrator sufficient to cover the cost of the improvements, engineering, inspection, and incidental expenses, and to cover replacement and repair of existing streets and other public improvements damaged in the development of the subdivision; and must be approved by the City Attorney as to form.
- (3) In the event the subdivider fails to complete all improvement work in accordance with the provisions of Sections 1 to 36, and the City has to complete same, or if the subdivider fails to reimburse the City for the cost of inspection, engineering, and incidental expenses, and to cover cost of replacement and repair of existing streets or other improvement damages in the development of the subdivision, the City shall call on the surety for reimbursement or shall appropriate from any cash deposits funds for reimbursements. In any such case, if the amount of surety bond or cash deposit is less than the cost and expense incurred by the City, the subdivider shall be liable to the City for the difference.

SECTION 21. FILING OF FINAL PLAT. Approval of the final plat by the City, as provided in Sections 1 to 36, shall be conditioned on its prompt recording. The subdivider shall, without delay, submit the final plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within thirty (30) days after the date the last required approving signature has been obtained.

## **Approval of Streets and Ways**

SECTION 22. CREATION OF STREETS. The creation of all streets shall be in conformance with requirements for subdivision, except the City Council may approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions, with any conditions as are necessary to preserve the standards established by Sections 24 to 31; provided either of the following conditions exist:

- (1) The establishment of the street is initiated by the City Council and is declared essential for the purpose of general traffic circulation, and the dividing of land is an incidental effect rather than the primary objective of the street.
- (2) The tract in which the street is to be dedicated is an isolated ownership of one acre or less.

#### SECTION 23. CREATION OF WAYS.

- (1) Any easement-of-way providing access to property which is created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be in the form of a street approved in accordance with Section 22, except that the creation of a private easement-of-way to be established by deed without full compliance with these regulations shall be approved by the City Council, provided the easement is the only reasonable method by which the rear portion of an unusually deep lot large enough to warrant partitioning into two parcels may be provided with more access. If the existing lot is large enough so that three or more parcels meeting the lot size minimums established in the City Zoning Ordinance and referenced in Sections 1 to 36 of this Ordinance may be created, and two or more of the parcels would not have frontage on an existing street, an easement-of-way will not be acceptable and a street must be dedicated.
- (2) The procedure for approval of allowed private easements-of-way shall be as provided in Section 22(2) for streets, except the easement-of-way need only comply with the standards set forth in Section 22(2) and assure utility access to the resultant lot.

## **General Regulations and Design**

#### SECTION 24. STREETS.

- (1) Streets and Highways Conform with Plans and Standards. In addition to conformance with state laws and the standards provided by Sections 1 to 36 of this Ordinance, the subdivision shall conform as to design and improvements to any master plan approved by the City Council and to any proceedings affecting the subdivision which may have been initiated by the City Council or approved by the City Council upon initiation by other legally constituted bodies of the City, county, or state. In addition, consideration shall be given to preliminary plans developed by the City.
- (2) Street Widths.
  - A. Unless otherwise indicated on any master plan, or by proceedings initiated by the City Council, or approved by the City Council upon initiation by other legally constituted governmental bodies, widths shall conform with City standards shown below, except where it can be shown by the subdivider,

to the satisfaction of the City Council, that the topography or the small number of lots served and the probable future traffic development are such as to unquestionably justify a narrower width. Increased widths may be required where streets are to serve commercial property, or where probable traffic conditions warrant. Approval or determination of street and area classification shall be made by the City Council, taking into consideration the zoning designations imposed by the zoning ordinance, the present use and development of the property in the area, the logical and reasonable prospective development of the area based upon public needs and trends, and the public safety and welfare.

- B. Minimum Right-of-way and Roadway Width: Unless otherwise approved in the tentative development plan, the street right-of-way and roadway surfacing widths shall not be less than the minimum width in feet shown in the table below and other applicable City standards and specifications. Where conditions, particularly topography, or the size and shape of land parcels make it impractical to provide buildable lots, narrower right-of-way may be accepted, ordinarily not less than forty (40) feet. If necessary, slope easements may be required.

TYPE OF STREET	RIGHT-OF-WAY WIDTH	PAVING WIDTH BETWEEN CURBS	CURB RETURN RADIUS	MAXIMUM PERCENT OF GRADE	MINIMUM RADIUS OF CURVATURE
Arterial (4)	60'	36-42'	35'	10%	400'
Collector (4)	50'	24-28	35'	10%	300'
Residential (4)	50'	20-24	25'	10%	150'
Half Street (4)	50'	18-20	25'	10%	150'
Cul-de-sac (4)	50-60' (1)	26'-36' (1)	25'	10%	150'
Alley	20'	15-20	15'	10%	150'

1. The paving radius at the turn-around of a cul-de-sac shall be 38' on a right-of-way radius of 50'.
2. Minimum grade of 0.3%. If unavoidable conditions exist, a grade of 2% steeper than that shown will be allowed.
3. One street name sign shall be provided at each intersection for each street.
4. Curbs and gutters shall be provided on both sides of the street on Arterial and Collector Streets, Curbs, Gutters, pedestrian walkways and bike lanes may be required on Residential, Half Street, and Cul-de-sac streets

- (3) Future Streets. Whenever the City Council shall have determined that, in conformity with the master plan, a street is necessary for the future subdivision of the property as shown on the subdivision map, but that the present dedication and construction of such street is not warranted, the City Council may require that the location, width, and extent of such street shall be shown on the final map or on an approved map of record as a Future street. Improvement of such future street may not be required of the subdivider by the City Council.

- (4) Future Street Extension. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the subdivision and the resulting dead-end streets may be approved without a turnaround. Reserve strips, including street plugs, may be required to preserve the objectives of street extensions.
- (5) Service Roads. When any lot fronts on a major street, the City Council may require the subdivider to dedicate a service road at the front of the lot.
- (6) Reserved Strips. No reserved strips controlling the access to public ways will be approved unless the strips are necessary for the protection of the public welfare, and in these cases they may be required. The control and disposal of the land comprising the strips shall be placed within the jurisdiction of the City under conditions approved by the City Council.
- (7) Half-Streets. Half-streets shall be prohibited, except they may be approved where essential to the reasonable development of the subdivision when in conformity with the other requirements of these regulations, and when the City Council finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within the tract. Reserve strips may be required to preserve the objectives of half-streets.
- (8) Nonaccess and Planting Strips. When the rear or side of any lots border any major street, the City Council may require the subdivider to execute and deliver to the City an instrument deemed sufficient by the City Attorney prohibiting the right of ingress and egress to the lots across the side lines of the street. When the street is a freeway, state highway, or parkway, the subdivider may be required to dedicate and improve a planting strip adjacent to the street.
- (9) Alleys. When any lots are proposed for commercial or industrial usage, alleys at least 15 feet of improved width may be required at the rear thereof with adequate ingress and egress for truck traffic, unless alternative commitments for off-street service truck facilities without alleys are approved. Intersecting alleys shall not be permitted.
- (10) Private Streets. The design and improvement of any private street shall be subject to all the requirements prescribed by this ordinance for public streets. The subdivider shall provide for the permanent maintenance of any street required for access to property in a private street subdivision.
- (11) Street Names. All street names shall be approved by the City Council for conformance with the established pattern and to avoid duplication and confusion.

SECTION 25. UTILITY EASEMENTS. Easements for sewers, drainage, water mains, public utility installations, including overhead or underground systems, and other like public purposes shall be dedicated, reserved, or granted by the subdivider in widths not less than fifteen

feet on each side of rear lot lines, alongside lot lines, and in planting strips wherever necessary; provided that easements of lesser width, such as for anchorage, may be allowed when the purpose of easements may be accomplished by easements of lesser width as approved by the City.

#### SECTION 26. LOTS.

- (1) The size and shape of lots shall conform to zoning regulations. Where there are unusual topographic conditions, curved or cul-de-sac streets, or other special conditions, modifications which meet the intent of the width and depth requirements may be granted by the City Council.
- (2) In areas that cannot be connected to community sewage disposal facilities, minimum lot sizes shall be greater than the minimum herein specified. The lots shall conform to the requirements of the County Health Department for sanitary waste disposal.
- (3) The side lines of all lots, so far as possible, shall be at right angles to the street which the lots face, or radial or approximately radial if the street is curved. Provided, however, where topographic or other natural features warrant variation from this provision, the City Council may approve such variations.
- (4) Lots without frontage on a street will not be permitted.
- (5) Through lots will be permitted only where necessitated by topographic or other unusual physical conditions.

#### SECTION 27. BLOCKS.

- (1) Blocks shall not exceed 600 feet in length, except blocks adjacent to major streets.
- (2) The subdivider may be required to dedicate and improve 10-foot walkways across blocks over 600 feet in length, or to provide access to schools, parks, or other public areas.

SECTION 28. WATERCOURSES. The subdivider shall, subject to riparian rights, dedicate a right-of-way for storm drainage purposes, conforming substantially with the lines of any natural watercourse or channel, stream, or creek that traverses the subdivision; or, at the option of the subdivider, provide by dedication further and sufficient easements or construction, or both, to dispose of the surface and storm waters.

#### SECTION 29. LAND FOR PUBLIC PURPOSES.

- (1) The City Council may require the reservation for public acquisition, at a cost not to exceed acreage values in the area prior to subdivision, of appropriate areas within the subdivision for a period not to exceed one year; providing the City has an interest or has been advised of interest on the part of the state highway commission, school district, or other public agency to acquire a portion of the area within the proposed subdivision for a public purpose, including substantial assurance that positive steps will be taken in the reasonable future for the

acquisition.

- (2) The City Council may require the dedication of suitable areas for the parks and playgrounds that will be required for the use of the population which is intended to occupy the subdivision.

SECTION 30. UNSUITABLE LAND. The City Council may refuse to approve a subdivision when the only practical use which can be made of the property proposed to be subdivided is a use prohibited by this ordinance or law, or if the property is deemed unhealthful or unfit for human habitation or occupancy by the county or State Health authorities.

SECTION 31. LAND SUBJECT TO INUNDATION. If any portion of any land proposed for development is subject to overflow, inundation, or flood hazard by storm waters, an adequate system of storm drains, levees, dikes, and pumping systems shall be provided.

## **Improvements**

SECTION 32. IMPROVEMENT STANDARDS AND APPROVAL. In addition to other requirements, all improvements shall conform to the requirements of Sections 1 to 36 and any other improvement standards or specifications adopted by the City, and shall be installed in accordance with the following procedure:

- (1) Improvement work shall not be commenced until plans have been checked for adequacy and approved by the City. To the extent necessary for evaluation of the subdivision proposal, the plans may be required before approval of the final map. All plans shall be prepared in accordance with requirements of the City.
- (2) Improvement work shall not be commenced until the City has been notified in advance, and if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
- (3) All required improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arise during construction to warrant such change in the interests of the City.
- (4) All underground utilities, sanitary sewers, and storm drains installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.
- (5) A map showing all public improvements "as built" shall be filed with the City Administrator upon completion of the improvements.

SECTION 33. IMPROVEMENT REQUIREMENTS. Improvements to be installed by the subdivider are as follows:

- (1) Streets. All streets shall be improved to City standards. The subdivider shall improve the extension of all subdivision streets to the centerline of existing streets with which subdivision streets intersect.
- (2) Structures. Structures specified as necessary by the City for drainage, access, and public safety shall be installed.
- (3) Curbs and Gutters shall be required for all Arterial and Collector Streets; these improvements are optional on all other streets, depending upon the level of development proposed.
- (4) Sidewalks. Sidewalks may be installed along both sides of each street and in pedestrian ways.
- (5) Sewers. Sanitary sewer facilities connecting with the existing City sewer system shall be installed to serve each lot. Storm water sewers shall be installed as required by the City.
- (6) Water. Water mains and fire hydrants of design, layout, and locations approved by the City shall be installed.
- (7) Abutting Streets. If any part of the property within the proposed subdivision abuts an existing dedicated street not improved to the ultimate width and other standards required for streets within subdivisions, the abutting portions of said street shall be improved to such standards by the construction of a sidewalk, curb, and gutter along the side adjacent to the subdivision and also by paving the roadway from said curb to 12 feet beyond centerline, or to such lesser distance beyond centerline as the City Council may deem necessary to provide a safe and adequate paved road way for two-way vehicular traffic; provided, that if said street is an arterial street, or is otherwise so classified that the established policy of the City is to specially assess less than the entire cost of an improvement thereof, the City Council may reduce the paving required hereunder to such extent as appears fair and equitable.
- (8) Underground Utilities. This provision shall apply only to utility lines to be installed to provide service within the area to be subdivided. Utility lines, including but not limited to electricity, communications, street lighting, and cable television, shall be required to be placed under ground. Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes, and meter cabinets may be placed above ground. The City Council may waive the requirements of this section if topographic, soil, or other conditions make such underground installations unreasonable or impractical. The subdivider shall make all necessary arrangements with the serving utility or agency for underground installations provided hereunder; all such installations shall be made in accordance with the tariff provisions of the utility, as prescribed by the State Public Utilities Commissioner.
- (9) Street Lighting. Ornamental street lighting of an approved type shall be installed

on all streets at locations approved by the City.

- (10) Street Name Signs. All streets shall be legibly marked with street name signs, not less than two in number, at each intersection, according to specifications furnished by the City.
- (11) Improvement of Easements. Whenever the safety of adjoining property may demand, any easement for drainage or flood control purposes shall be improved in a manner approved by the City.
- (12) Off-site Street Improvements. Off-Site improvements will be required when the proposed development is located away from existing City public utilities, including streets, water and sewer systems and other public improvements. These off-site improvements will make the interconnection between the existing City utilities and the proposed development. All off-site street improvements, where required, shall conform to the standards of the City.

#### SECTION 34. MONUMENTS.

- (1) In addition to requirements of state law and other provisions of this ordinance, permanent monuments of a type approved by the City shall be set in the following locations:
  - A. At each boundary corner of the subdivision, at the beginning and end of the property line curves, and at any other points as may be required by the City.
  - B. At intersections of street centerline tangents or offsets therefrom, and where such intersect on private property, at the beginning and end of the centerline curve or offsets therefrom.
- (2) Any required monument that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider.
- (3) Complete field notes in a form satisfactory to the City, showing references, ties, locations, elevations, and other necessary data relating to monuments and bench marks set in accordance with the requirements of Sections 1 to 36, shall be submitted to the City to be retained by the City as a permanent record.

## **Variances**

SECTION 35. VARIANCE APPLICATION. When necessary, the City Council may authorize conditional variances to requirements and regulations of Sections 1 to 36 of this Ordinance. Application for a variance shall be made by a petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative map of the subdivision or partition. In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary that the City Council shall find the following facts with respect thereto:

- (1) That there are special circumstances or conditions affecting the property.
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner and that extraordinary hardship would result from strict compliance with these regulations.
- (3) That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the vicinity in which the property is situated.

#### SECTION 36. CITY COUNCIL ACTION ON VARIANCES.

- (1) In granting variances, the City Council shall secure substantially the objectives of the regulations to which variances are granted in order to preserve the public health, safety, convenience, and general welfare. The conditions that are necessary for this purpose shall be specified in granting the variance.
- (2) In granting any variance under the provisions of this section, the City Council shall make a written record of its findings and the facts in connection therewith, and shall specifically and fully set forth the variance granted and the conditions designated. The City Council shall keep such findings on file as a matter of public record.

SECTION 37. EXISTING UNDEVELOPED SUBDIVISIONS. There are existing undeveloped subdivisions and subdivision lots within the City. Any proposed development of these subdivisions or lots shall require full compliance with the City's current subdivision ordinance standards prior to the issuance of any building permit for on-site construction. The costs of providing the necessary public improvements, streets, water and sewer systems, and other public utilities shall be the responsibility of the developer.

#### SECTION 38. PROPERTY LINE ADJUSTMENTS.

- (1) Purpose and Scope. The purpose of a property line adjustment is to allow the relocation of a known common boundary line between two abutting properties, where no additional lots or parcels are created. Property line adjustments may be permitted in any zone or across zones, or between lots or parcels in a recorded subdivision or partition plat. A property line adjustment is not required for a boundary line agreement to establish the physical location of an existing property boundary, but is required to relocate that boundary.
- (2) Procedure.
  - A. Applications for property line adjustments may be processed by Administrative review or may be forwarded to the Planning Commission for review and approval.
  - B. A scaled plot plan shall be submitted with an application for a property line adjustment showing:

1. All existing property lines;
  2. The proposed location of the adjusted property line;
  3. The location of existing buildings, with distances to the existing and the proposed property line;
  4. The location of septic systems, wells and easements, and their distances from the existing and the proposed property line; and
  5. The existing size and the proposed size of each lot or parcel, in square feet or acres.
- C. All owners of the properties that will be modified by the property line adjustment must sign the application form or a letter of authorization.
- D. If the application is approved, the adjusted property line must be surveyed and monumented by an Oregon licensed surveyor in accordance with the procedures of ORS 92, and a survey, complying with ORS 209.250 must be filed with the County Surveyor. However, a survey and monumentation are not required when the property line adjustment involves the sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes property.
- E. A survey, if required, must be filed with the County Surveyor within one year of the date of final approval of an application for a property line adjustment. If a survey is not required, a final map shall be submitted within one year of the date of final approval.
- F. Within one year of the date of final approval of an application for a property line adjustment a deed or other instrument of conveyance must be recorded with the County Clerk. The deed or instrument shall contain the names of the parties, the description of the adjusted property line, references to original recorded documents, signatures of all parties with proper acknowledgement, and a reference to the planning application casefile number. If the deed or instrument describes only the area being conveyed from one parcel to the other, a statement shall be included that the conveyance is part of a property line adjustment and the described property is not a separate parcel.
- G. If the property line adjustment will result in any portion of a septic system, driveway, utility, or other improvement being located on a different parcel than the structure the improvement serves, an easement granting continued use of the improvement shall be recorded with the County Clerk at the time the deed or other instrument conveying the property is recorded and shall be shown on the final survey map.

- H. Prior to filing the final survey or map and recording the instruments of conveyance and any required easements, copies of these documents shall be submitted to the City Administrator for review to determine whether all conditions of approval have been met.
- (3) Approval Criteria. A property line adjustment may be approved if it complies with all of the following:
- A. The existing lots or parcels were lawfully created.
  - B. No new parcels will result from the adjustment;
  - C. All buildings and improvements (e.g., septic systems, wells, etc.) will comply with the minimum setback requirements from the adjusted property line, unless the building or improvement does not currently comply, in which case the building or improvement shall not be rendered more nonconforming by the adjustment;
  - D. All adjusted parcel sizes shall meet the minimum lot size of the zone where the property is located.
  - E. The adjustment shall not result in parcel(s) that overlap a city limit or county line.
  - F. The adjustment shall not result in the loss of public access to any parcel.

SECTION 39. SEVERABILITY. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

SECTION 40. EMERGENCY CLAUSE. That inasmuch as it is necessary for the peace, health, safety, and welfare of the citizens of the City of Moro that this Subdivision Ordinance become effective with its adoption, the City Council, by its vote, declares an emergency to exist, and the Ordinance to be in full force and effect upon and after its passage by the City Council and approval by the Mayor.