

Coburg Subdivision Ordinance

Ordinance No. 132

Adopted June 22, 1982

ORDINANCE NO. A-132

AN ORDINANCE amending Ordinance No. A-118 and declaring an emergency to exist.

THE CITY OF COBURG ORDAINS AS FOLLOWS:

Section 1. Ordinance No. A-118 is hereby amended in the following respects:

A. Section 2. C. 2. is repealed in its entirety.

B. Section 2.C.3. shall be renumbered as section "2.C.2."

C. There is hereby added to Ordinance No. A-118 a new section entitled "Section 11: Definitions," a copy of which is attached hereto and incorporated herein by this reference.

Section 2. Except as expressly amended herein, Ordinance No. A-118 shall remain in full force and effect.

Section 3. Should any section or provision of this ordinance, or Ordinance No. A-118, be declared unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the section or provision so declared to be unconstitutional or invalid.

Section 4. Whereas certain errors of omission and legal questions exist regarding Ordinance No. A-118 which would be corrected by this Ordinance, an emergency is hereby declared to exist and to protect the peace, health, safety and general welfare of the citizens of the City of Coburg this ordinance shall take effect immediately.

This ordinance was read once in full and once by title at the June 22, 1982, regular meeting of the common council for the City of Coburg whereupon it was put to a final vote.

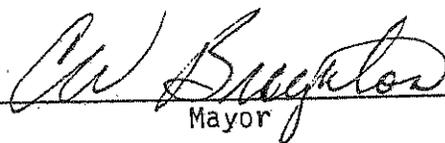
The vote of the Common Council was:

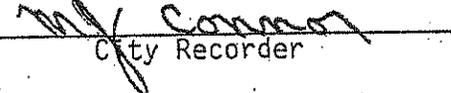
YES: 5

NO: 0

ABSTENTIONS: 0

APPROVED by the Mayor of the City of Coburg this 22 day of June, 1982.

  
\_\_\_\_\_  
Mayor

ATTEST:   
\_\_\_\_\_  
City Recorder

ORDINANCE NO. A-118

AN ORDINANCE ESTABLISHING COMPREHENSIVE SUBDIVISION REGULATION FOR THE CITY OF COBURG, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 92 ORS, FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY TO EXIST.

WHEREAS, Chapter 92 ORS, empowers the City to enact a subdivision ordinance and to provide for its administration, enforcement and amendments, and

WHEREAS, the City Council deems it necessary for the purpose of promoting the health, safety, morals or general welfare of the City to enact such and ordinance, and

WHEREAS, the City Council, pursuant to the provision of Chapter 227 and Chapter 92 ORS. has appointed a Planning Commission to recommend the necessary and appropriate regulations for the subdivision of land, and

WHEREAS, the Planning Commission has prepared regulations pertaining to the subdivision and partitioning of land in accordance with the comprehensive plan and designed to promote the health, safety and general welfare of the citizens of the City of Coburg, and

WHEREAS, the Planning Commission has prepared a preliminary subdivision ordinance, held public hearings thereon, and after due consideration, submitted its final subdivision code to the City Council, and

WHEREAS, the City Council has given due public notice of hearings relating to subdivision regulations and restrictions, and has held such public hearings, and

WHEREAS, all requirements of Chapter 92 ORS, with regard to the preparation of the subdivision ordinance and subsequent action of the City Council has been met; and

WHEREAS, the subdivision ordinance has been found to comply with the Coburg Comprehensive Plan, Zoning ordinance and the goals and guidelines of LCDC;

THE CITY OF COBURG ORDAINS AS FOLLOWS:

Section 1. The attached document entitled "Coburg Subdivision Code" and all of the explanatory matter therein is hereby adopted and incorporated herein by this reference and declared to be part of this ordinance.

Section 2. Ordinance number A-106 and all other ordinances in conflict herewith are hereby repealed.

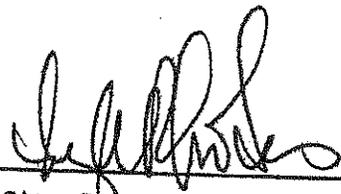
Section 3. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 4. Whereas an emergency exists, and it is necessary for the preservation of the peace, health, safety and general welfare of the citizens of the City of Coburg that this ordinance take effect immediately, it shall take effect immediately upon its passage by the Council and approval by the Mayor.

PASSED BY THE COMMON COUNCIL of the City of Coburg, this 24th day of June, 1980

APPROVED BY THE MAYOR of the City Of Coburg, this 24th day of June, 1980

  
\_\_\_\_\_  
Mayor

ATTEST:   
\_\_\_\_\_  
City Recorder

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

## ORDINANCE NO. A-132A

### AN ORDINANCE AMENDING THE COBURG SUBDIVISION ORDINANCE AND DECLARING AN EMERGENCY TO EXIST

WHEREAS, the City of Coburg has properly notified the Department of Land Conservation and Development of the final hearing considering adoption of amendments to the Coburg Subdivision Ordinance, in compliance with ORS 197.610; and

WHEREAS, on May 12, 1999, the Coburg Planning Commission conducted a properly advertised public hearing on the draft TSP, which included discussion of and descriptions of necessary amendments to the Coburg Subdivision Ordinance; and

WHEREAS, on September 7 and November 2, 1999, the Coburg City Council conducted a properly advertised public hearings on the draft TSP and recommended amendments to the Coburg Subdivision Ordinance; and

WHEREAS, based on staff reports, the recommendations of the Transportation Advisory Committee and the testimony at said public hearing, the City Council has made the Findings of Compatibility listed in Exhibit II (Appendix H of Coburg Transportation System Plan),

WHEREAS, based on the facts presented in the public hearings and set forth in the findings of fact listed in Exhibit II, the Coburg City Council hereby accepts the recommended amendments to be made to the Coburg Subdivision Ordinance to continue its compliance with the Coburg Comprehensive Plan and the statewide planning goals,

#### THE CITY OF COBURG ORDAINS AS FOLLOWS:

Section 1. The Coburg Subdivision Ordinance is hereby amended as set forth in Exhibit I, which is incorporated herein by this reference, so as to comply with the Coburg Comprehensive Plan (as amended) and the Transportation System Plan.

Section 2. The findings as set forth in Exhibit II (Appendix H from Coburg TSP) are hereby adopted as a basis for this land use ordinance.

Section 3. Severability. The provisions of this Ordinance are severable. If any section, sentence, clause, or phrase of this Ordinance is adjudged by any court of competent jurisdiction or by the Land Conservation and Development Commission to be invalid, the declaration shall not affect the validity of the remaining portions of the ordinance.

Section 4. Whereas it is necessary for the general welfare of the citizens of Coburg that the subdivision regulations provide for their current land use needs, an



## EXHIBIT I

### SECTION III. MAJOR PARTITION AND SUBDIVISION TENTATIVE PLAN PROCEDURE

B. The following procedure shall be followed for all tentative plan submissions except as specified below for certain major partitions. In the case of such exceptions the procedure prescribed in Section V shall be followed.

2. Subdivision and Major Partition Tentative Plan Requirements

d. Existing Conditions

(7) Existing bike paths and pedestrian ways, including unofficially established user trails.

e. Proposed Plan of Subdivision or Major Partition. The following information shall be included on the tentative plan of a subdivision.

(10) Proposals for coordinating sewer, water, electric and fiber optics installations with new roadway construction or major roadway improvements.

(11) The location and width of proposed bicycle and pedestrian ways.

(12) Proposals for other improvements.

### SECTION IV. MAJOR PARTITION AND SUBDIVISION PLAT PROCEDURE

B. Information on Plat

2. The exact location and width of streets, pedestrian and bicycle ways, and easements intercepting the boundary of the tract.
3. Tract, block and lot boundary lines, bicycle and pedestrian way locations and widths and street right-of-way and center lines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings. Normal high water lines for any creek or other body of water. Trace boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

### SECTION V. MAJOR PARTITIONING PROCEDURE

A major partition authorized by Section III B.1 shall be approved under the following procedure:

- A. There shall be submitted to the City Recorder 12 copies of a tentative plan 8-1/2 x 11 inches, or 18 x 24 inches in size with the following information:

4. For land adjacent to and within the tract to be partitioned, the locations, names and existing widths of streets; location, use, names if appropriate, and widths of other bicycle and pedestrian ways; location, width and purpose of other existing easements; and location and size of sewer and water lines and drainage ways; and location of power poles, and the location of wells, septic tanks and drainfields.
6. Parcel layout, showing size and relationship to existing or proposed streets, bicycle and pedestrian ways and utility easements.

## SECTION VI. IMPROVEMENT GUARANTEE

### A. Agreement for Improvements

Before final Planning Commission approval of a subdivision plat or partition map, the land divider shall either install required improvements and repair existing streets, bicycle and pedestrian ways and other public facilities damaged in the development of the property or execute and file with the city an agreement between the land divider and the city, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for reimbursement of the city for the cost of inspection by the city, which shall not exceed 10 percent of the improvements to be installed.

## SECTION VII. DESIGN STANDARDS

### A. Principles of Acceptability

A land division, whether by a subdivision, creation of a street, or a partitioning, shall conform to any development plans, shall take into consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by these regulations. The standards are presented as minimum requirements. All land divisions shall be evaluated in terms of efficiency in the use of land; protection of natural features; and compatibility with the rural nature of the City of Coburg, and consistency with the goals and policies of Coburg's Comprehensive Plan and City of Coburg Transportation System Plan.

### B. Streets

#### 1. General

The function, location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The street system shall assure an adequate and safe traffic circulation system with intersection angles, grades, tangents and curves appropriate for the

traffic to be carried considering the terrain. Where location is not shown on the street plan or in a development plan, the arrangement of streets shall:

- a. Be interconnected and provide for continuation or appropriate extension of the grid pattern to surrounding properties. Cul-de-sacs shall be allowed only when one or more of the following conditions exist:
  - (1) Physical or topographic conditions make a street connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.
  - (2) Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
  - (3) Where streets would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of the date of adoption of the City of Coburg Transportation System Plan, which preclude a required street connection.

Where cul-de-sacs are planned, multi-use paths connecting the end of the cul-de-sac to other streets or neighborhoods shall be provided if feasible.

- c. Street designs shall be responsive to topography and shall minimize impacts on natural resources such as streams, wetlands and wildlife corridors.

## 2. Standard Right-of-Way and Street Width

The width of streets shall be adequate to fulfill city specifications as provided for in this Ordinance, and unless otherwise indicated on a development plan or approved by the Planning Commission, streets shall have:

The Planning Commission, in consultation with Coburg Rural Fire Protection District and Lane Transit District, may approve alternate street right-of-ways and paving widths when the benefits of standard right-of-way or paving width are outweighed by the benefits of feasible alternatives. Alternatives to street design may include things like narrower or varying street widths, medians, and bulb-outs at intersections. Prior to allowing modification of street standards, the Planning Commission shall consider:

- (a) emergency vehicle access and provision of emergency services;
- (b) discouragement of through-traffic movement on local streets
- (c) aesthetics of streets and streetscapes
- (d) pedestrian and bicycle safety and convenience
- (e) maintenance of Coburg's historical flavor within the historical district and of Coburg's rural characteristics

- (f) location of proposed street relative to other streets (block length and connectivity)
- (g) encouragement of transit service
- (h) adequate rights-of-way or easements for public utilities
- (i) existing development that limits paving and right-of-way widths
- (j) topography, environmental impacts and drainage systems

### C. Blocks

#### 2. Size

No block shall be longer than 600-feet in length between street corner lines in residential zones. The recommended minimum length of blocks along an arterial street in non-residential zones is 1,200 feet. ...

### D. Building Sites

#### 1. Size and Shape

##### f. Pedestrian and Bicycle Ways

- (1) Sidewalks shall have a minimum paving width of five feet.

## SECTION VIII. IMPROVEMENTS

### C. Improvements in Subdivisions

- 5. Sidewalks and Pedestrian Ways – Sidewalks and pedestrian ways shall be installed on both sides of Willamette and Pearl Streets, in new Highway Commercial and Light Industrial zoning district areas, and in any special pedestrian way within the subdivision except that in the case of special type industrial districts, the Planning Commission may approve a subdivision without sidewalks if alternative pedestrian routes are available. With the exception of Willamette and Pearl Streets, sidewalks shall not be installed along public streets in residential and central business district areas, as designated in the Coburg Comprehensive Plan, unless the developer can show special need for sidewalks in such location.
- 6. Bicycle Routes
  - a. On-road bicycle lanes shall be installed or, if currently existing, shall be maintained along Industrial Way, Pearl Street, Van Duyn Road, Harrison, Diamond and Coburg Road as delineated in the Coburg Transportation System Plan, Map 13. On other roads in residential and central business district areas, bicycle lanes are optional. In new Highway Commercial and Light Industrial zoning district areas, bicycle lanes are required to promote alternative modes of transportation. In addition, if appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle paths.

- b. Bicycle facilities shall be designed for both internal circulation and to provide linkages to regional travel. Bicycle ways shall be designed to meet the needs of pedestrians and cyclists in order to promote safe and convenient bicycle and pedestrian circulation in the community.
9. Street Trees – In accordance with the street standards set forth in the Coburg Transportation System Plan, street trees are required for all new development. Street trees shall be of the type as described in the City of Coburg Public Works Department Recommended list of street trees. Street trees shall be installed in the required planting strip at the rate of one tree for each 35-foot lineal feet of street frontage.

## EXHIBIT II

### Compatibility with State Transportation Planning Rule and Other Plans

<b>Transportation Planning Rule Requirements/Recommendations</b>	<b><i>Coburg Transportation System Plan</i></b>
<b>Public and Interagency Involvement</b>	
<ul style="list-style-type: none"> <li>• Establish Advisory Committees</li> </ul>	An Transportation Advisory Committee (TAC) was established to provide project guidance. A list of the TAC membership is included on the inside cover of the TSP.
<ul style="list-style-type: none"> <li>• Develop Information Material</li> </ul>	Materials including reports, tables, and maps were prepared for public and agency review of the various TSP components. The <i>Tri-County News</i> periodically wrote stories on the plan. Informational packets were also prepared and made available to the general public attending meetings.
<ul style="list-style-type: none"> <li>• Schedule Meetings and Public Hearings</li> </ul>	The TAC met from March 1996 through 1999. The TAC presented the draft TSP (winter 1998) and revised preferred Couburg-I-5 Interchange concept (December 1998) to the City Council. Public hearings on the draft TSP were held on May and August 1999.
<ul style="list-style-type: none"> <li>• Develop Other Methods to Involve the Community</li> </ul>	Three public open houses and two town meetings were held to allow the public to review and provide input on various aspects of the plan. Newsletters and flyers were also distributed.
<ul style="list-style-type: none"> <li>• Coordinate the Plan With Other Agencies</li> </ul>	The TSP was coordinated closely with the City of Coburg, Oregon Department of Transportation (ODOT), and Lane County. Members of these organizations frequently attended most TAC meetings. The plan was also sent to the Department of Conservation and Development and Lane Transit District, who provided written comments. Concurrently with the TSP, ODOT developed a Refinement Plan for the Coburg I-5 Interchange.

<b>Transportation Planning Rule Requirements/Recommendations</b>	<b><i>Coburg Transportation System Plan</i></b>
<b>Review Existing Plans, Policies, and Standards</b>	
<ul style="list-style-type: none"> <li>• Review and Evaluate Existing Comprehensive Plan and state and federal plans</li> </ul>	<p>The Coburg Comprehensive Plan (1982) was reviewed and evaluated as part of the TSP Development. The following other plans were reviewed: The Oregon Transportation Plan, Oregon Highway Plan, Oregon Bicycle and Pedestrian Plan, Oregon Rail Passenger Policy and Plan and Oregon Rail Freight Plan, and American with Disabilities Act.</p>
<ul style="list-style-type: none"> <li>• Analyze Existing Land Uses and Vacant Lands</li> </ul>	<p>Existing land uses and vacant lands within the TSP study area were updated. Maps and associated data were produced and analyzed by Transportation Analysis Zone.</p>
<ul style="list-style-type: none"> <li>• Review Population and Employment Forecasts</li> </ul>	<p>Population and employment data were updated and new forecasts developed. Housing by development type and employment by sector were allocated to vacant lands. These data were used in the Coburg TSP modeling effort.</p>
<ul style="list-style-type: none"> <li>• Review Existing Ordinances and Zoning, Subdivision, and Engineering Standards</li> </ul>	<p>The Coburg Zoning Code and Subdivision Ordinance were reviewed for consistency with the TPR. Street standards and other engineering standards will be analyzed for consistency with new TSP policies.</p>
<ul style="list-style-type: none"> <li>• Review Significant Transportation Studies</li> </ul>	<p>No significant transportation studies have been conducted in the Coburg area.</p>
<ul style="list-style-type: none"> <li>• Review Existing Capital Improvements and/or Public/Facilities Plans</li> </ul>	<p>The City does not currently have a transportation-related capital improvements program or public facilities plan.</p>

<b>Transportation Planning Rule Requirements/Recommendations</b>	<b><i>Coburg Transportation System Plan</i></b>
<b>Inventory Existing Transportation System</b>	
<ul style="list-style-type: none"> <li>• Street system (number of lanes, lane widths, traffic volumes, level of service, traffic signal location and jurisdiction, pavement conditions, functional classification and jurisdiction, truck routes, access points, and safety issues.)</li> </ul>	<p>A complete inventory of Coburg's existing street network is included in Chapter Two and Appendices A and B of the TSP document.</p>
<ul style="list-style-type: none"> <li>• Bicycle Ways (type, location, width, condition, ownership/jurisdiction).</li> </ul>	<p>Chapter Two of the TSP describes the existing bicycle system. Currently, there are designated bicycle facilities along Willamette Street in the City.</p>
<ul style="list-style-type: none"> <li>• Pedestrian Ways (location, width, condition, ownership/jurisdiction).</li> </ul>	<p>Chapter Two and Appendices A and B describe the existing pedestrian system.</p>
<ul style="list-style-type: none"> <li>• Public Transportation Services (transit, intercity bus, passenger rail, special transit services).</li> </ul>	<p>A summary of existing public transportation service is provided in Chapter Two.</p>
<ul style="list-style-type: none"> <li>• Air Transportation</li> </ul>	<p>A discussion of air transportation services is included in Chapter Two. There is currently no direct air service within the Coburg UGB.</p>
<ul style="list-style-type: none"> <li>• Freight Rail Transportation</li> </ul>	<p>A summary of freight rail transportation services is provided in Chapter Two. Coburg has no freight or passenger rail activity at this time.</p>
<ul style="list-style-type: none"> <li>• Water Transportation</li> </ul>	<p>There are no navigable waterways in the planning area.</p>
<ul style="list-style-type: none"> <li>• Pipeline Transportation</li> </ul>	<p>A summary of pipeline transportation services is provided in Chapter Two.</p>
<ul style="list-style-type: none"> <li>• Environmental Constraints</li> </ul>	<p>A discussion of natural features including slope, soils, surface water drainage, and wetlands is included in Chapter Two. A discussion of cultural features including parks and open space, schools, and historical features is also included in Chapter Two.</p>
<ul style="list-style-type: none"> <li>• Existing Population and Employment</li> </ul>	<p>Existing and projected population and employment is included in Chapter Three of the TSP.</p>

<b>Transportation Planning Rule Requirements/Recommendations</b>	<b><i>Coburg Transportation System Plan</i></b>
<b>Determine Transportation Needs</b>	
<ul style="list-style-type: none"> <li>• Population and Employment Forecasts</li> </ul>	<p>Population and employment forecasts are included in Chapter Three. Coburg was divided into 7 transportation analysis zones (TAZ). Housing and employment data were allocated by TAZ and projected to the year 2015. An EMME/2 model was developed to forecast future vehicle trips. The results of the model are included in Chapter Three and Appendices C.</p>
<ul style="list-style-type: none"> <li>• Determine Transportation Capacity Needs</li> </ul>	<p>An analysis was conducted to project traffic volumes to the year 2015. The model was calibrated using existing traffic counts. The model projected future trip rates and origin and destination information. This information is included in Chapter Three and Appendix C.</p>
<ul style="list-style-type: none"> <li>• Other Roadway Needs (safety, bridges, reconstruction, operation/maintenance)</li> </ul>	<p>The I-5 Interchange Refinement Plan, conducted concurrently with the TSP analyzed the Coburg Interchange. Other roadway needs are described in the Chapter Three of the TSP.</p>
<ul style="list-style-type: none"> <li>• Freight Transportation Needs</li> </ul>	<p>The proposed TSP will provide for adequate freight movement by highway.</p>
<ul style="list-style-type: none"> <li>• Public Transportation Needs (special transportation needs, general public transit needs)</li> </ul>	<p>The proposed TSP identifies public transportation needs in Chapter Three.</p>
<ul style="list-style-type: none"> <li>• Bikeway and Pedestrian Needs</li> </ul>	<p>Bikeway and pedestrian system needs are described in Chapter Three.</p>

<b>Transportation Planning Rule Requirements/Recommendations</b>	<b><i>Coburg Transportation System Plan</i></b>
<b>Develop and Evaluate Alternatives</b>	
<ul style="list-style-type: none"> <li>• Evaluate and Develop Transportation Goals</li> </ul>	Goals were established as part of the TSP development contained in Chapter 4.
<ul style="list-style-type: none"> <li>• Establish Evaluation Criteria</li> </ul>	The established goals formed the basis for evaluating projects. These are present in Chapter 4.
<ul style="list-style-type: none"> <li>• Develop and Evaluate Alternatives (no-build system, transportation system management, transportation demand management, transit feasibility, improvements to roadway system, land use alternatives, and combination alternatives).</li> </ul>	Chapter 3, Future Conditions and Transportation Needs generally identified the need for future projects. Project alternatives were developed and are presented as a final alternative (Chapter 4) and capital projects list Chapter 5. This includes the Coburg I-5 Interchange Refinement Plan.
<ul style="list-style-type: none"> <li>• Select Recommended Alternative</li> </ul>	The preferred plan alternative is contained in Chapters 4 and 5. The TAC reviewed and prioritized projects into high, medium, and low priorities. Project lists were also reviewed by the public at open houses.
<b>Produce a Transportation System Plan</b>	
<ul style="list-style-type: none"> <li>• Transportation Goals, Objectives, and Policies</li> </ul>	Transportation goals and policies are contained Chapter 4.
<ul style="list-style-type: none"> <li>• Street Plan Element (function street classification and design standards, proposed facility improvements, access management plan, truck plan safety improvements)</li> </ul>	All of these elements are contained in Chapter 4 of the TSP. The Coburg I-5 Interchange Refinement Plan is also included.
<ul style="list-style-type: none"> <li>• Public Transportation Element</li> </ul>	A transit plan including the possible of future transit service areas is contained in Chapter 4.
<ul style="list-style-type: none"> <li>• Bikeway Element</li> </ul>	The bikeway plan is contained in Chapter 4.
<ul style="list-style-type: none"> <li>• Pedestrian System Element</li> </ul>	The pedestrian system plan is contained in Chapter 4.
<ul style="list-style-type: none"> <li>• Air, Rail, Water, and Pipeline</li> </ul>	These elements are addressed in the needs section in Chapter 3 and plan goals and policies in Chapter 4.

<b>Transportation Planning Rule Requirements/Recommendations</b>	<b><i>Coburg Transportation System Plan</i></b>
<b>Plan Review and Coordination</b>	
<ul style="list-style-type: none"> <li>• Consistent with ODOT, Lane County, and other applicable plans</li> </ul>	Representatives from ODOT and Lane County attended most TAC meetings. In addition, the draft plan was reviewed by the Department of Land Conservation and Development and Lane Transit District.
<b>Adoption</b>	
<ul style="list-style-type: none"> <li>• Is it Adopted?</li> </ul>	A joint public hearing of the Coburg Planning Commission, Lane County Planning Commission, and Lane County Roads Advisory Committee was held on May 12, 1999. The Coburg City Council and Lane County Board of Commissioners held a public hearing on September 7, 1999. Adoption of the TSP will occur after the hearings.
<b>Implementation</b>	
<ul style="list-style-type: none"> <li>• Ordinances (facilities, services, and improvements; land use or subdivision regulations)</li> </ul>	Implementing Ordinances will be developed following adoption of the TSP.
<ul style="list-style-type: none"> <li>• Transportation Financing/Capital Improvements Program</li> </ul>	Capital projects are contained in Chapter 5. Financing strategies are identified in Chapter 6 of the TSP.

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## COBURG LAND DIVISION REGULATIONS

### SECTION I. TITLE, SCOPE AND PURPOSE

#### A. Title

These regulations shall hereafter be known, cited and referred to as the "Subdivision and Land Partitioning Regulations of Coburg, Oregon."

#### B. Scope of Regulations

All land partitioning and subdivisions within the corporate limits of Coburg, Oregon shall be approved by the Coburg Planning Commission in accordance with these regulations. A person desiring to subdivide land or desiring to partition land shall submit tentative plans and final documents for approval as provided in these regulations and in state law (ORS Chapters 92 and 227).

No person shall dispose of, transfer, or sell any lot or parcel of land in a land partition or subdivision with respect to which approval is required by these regulations until such approval is obtained.

### SECTION II. MINOR PARTITIONING PROCEDURE

#### A. Tentative Plan Requirements

There shall be submitted to the City Recorder ~~two~~ (3) copies of a tentative map 8½ X 11 inches, or 18 X 24 inches in size with the following information:

1. The date, northpoint, scale and sufficient description to define the location and boundaries of the parcel to be partitioned.
2. The names and addresses of the owner, partitioner and engineer or surveyor.
3. The approximate acreage of the parcel(s) under single ownership or, if more than one ownership is involved, the total contiguous acreage of all landowners directly involved in the minor partition.
4. An accurate map describing the boundaries of all contiguous land in the same ownership as the area to be partitioned.
5. For land adjacent to and within the parcel to be partitioned, the locations, names and existing and proposed widths of all streets and easements of way; location, width and purpose of all other easements; and the location and size of all water lines, drainage ways and poles.
6. The existing use or uses of the property, including the location of all existing structures to remain on the property.

7. The proposed lot layout, showing size and relationship to existing or proposed streets and utility easements.
8. The approximate location of areas subject to inundation or storm overflow, all areas covered by water and the location, width and direction of flow of all water courses.
9. All proposals for sewage disposal, flood control, and easements or deeds for drainage land including profiles of proposed drainage ways.
10. All public improvements proposed to be made or installed, and the time within which such improvements are envisioned to be completed.
11. Such additional information as required by the Planning Commission.

B. Review of Minor Partition Proposal

Once a minor partition tentative plan has been received by the city, copies thereof may be distributed to each public utility, City Recorder and members of the City Council for comment and recommendations.

C. Approval of Minor Partition

At the next Planning Commission meeting following receipt of appropriate agency comments, the Planning Commission shall approve, deny or when further information is required, postpone a decision on the application. Approval shall be granted provided affirmative findings can be made that:

1. The proposal does not require the dedication of land and easements for roads or streets.
2. The minor partition complies with the requirements of these regulations, all applicable provisions of the Oregon Revised Statutes (ORS), the Coburg Zone Code and the Coburg Subdivision Code and the Comprehensive Plan and Policies.

D. Effective Date of Minor Partition Decisions

Unless appealed, Planning Commission decisions shall become effective on the eleventh (11) day after rendered.

E. Tentative Plan-Distribution of Copies

When a tentative map has been approved, all copies shall be marked with the effective date and any conditions of approval. Two copies shall be returned to the applicant.

F. Appeal of Minor Partition Decisions

See Section IX(B) Appeals.

G. Expiration of Minor Partition Approval

If the conditions set at the time of approval are not fulfilled within one year, the minor partition approval will be null and void.

SECTION III. MAJOR PARTITION AND SUBDIVISION TENTATIVE PLAN PROCEDURE

A. Application for tentative plan approval shall be made by the person proposing the subdivision or major partition or that person's authorized agent or representative on a form prescribed by the city and submitted to the City Recorder, together with ten (10) copies of the subdivision tentative plan or five (5) copies of the major partition tentative plan.

B. The following procedure shall be followed for all tentative plan submissions except as specified below for certain major partitions. In the case of such exceptions the procedure prescribed in Section V shall be followed.

1. Exceptions to Section III.B Procedure

a. Creation of a Public Street Outside a Subdivision

(1) The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions except, however, the Planning Commission shall approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:

(a) The establishment of the public street is initiated by the City Council or Board of County Commissioners and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.

(b) The tract in which the street is to be dedicated is a major partition within an isolated ownership either of not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.

(2) In those cases where approval of a public street is to be without full compliance with the regulations applicable to subdivision, a copy of a tentative plan and the proposed deed shall be submitted to the Planning Commission at least five (5) days prior to the Planning Commission meeting at which consideration is desired. The plan, deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the standards of Section VI to VIII of these regulations, shall be approved with conditions necessary to preserve these standards.

- b. Creation of Private Street Outside a Subdivision - A street 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 in a subdivision or as provided in Section 3.B.1.a of the regulations, except that a private street to be established by deed without full compliance with these regulations shall be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep land parcel of a size to warrant partitioning into not over two parcels may be provided with access. A copy of the tentative plan to create the street and partition the tract shall be submitted to the City Recorder at least five (5) days prior to the Planning Commission meeting at which consideration is desired.

The document and such information as may be submitted shall be reviewed by the Planning Commission and, if assurance of adequate utility and vehicular access is indicated, shall be approved.

2. Subdivision and Major Partition Tentative Plan Requirements

- a. Explanatory Information Required - The following information is required and if it cannot be shown practicably on the tentative plan, it shall be submitted on separate sheets accompanying the tentative plan:
- (1) ✓ A vicinity map showing existing subdivisions and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets and utilities may be extended to connect to existing streets and utilities.
  - (2) ✓ Proposed deed restrictions, if any, in outline form.
  - (3) ✓ The location within the subdivision and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes and electric lines.
- b. ✓ Scale - The tentative plan shall be drawn on a sheet 18 X 24 inches in size or a multiple thereof at a scale of one inch equals 100 feet, or, for areas over 100 acres, one inch equals 200 feet.
- c. General Information - The following general information shall be shown on the tentative plan.
- (1) ✓ Proposed name of the subdivision if any and the name shall not duplicate nor resemble the name of another subdivision in Lane County and shall be approved by the Planning Commission.
  - (2) ✓ Date, northpoint and scale of drawing.

- (3) Appropriate identification of the drawing as a tentative plan.
- (4) ✓ Location of the subdivision sufficient to define its location and boundaries and a legal description of the tract boundaries.
- (5) ✓ Names and addresses of the owner, subdivider, and engineer or surveyor.
- d. Existing Conditions - The following existing conditions shall be shown on the tentative plan.
- (1) ✓ The location, widths and names of both opened and unopened streets within or adjacent to the tract, together with easements and other important features such as section lines, section corners, city boundary lines and monuments.
- (2) ✓ Contour lines related to some established bench mark or other datum approved by the City Engineer and having minimum intervals as follows:
- (a) For slopes of less than five (5) percent; show the direction of slope by means of arrows or other suitable symbol together with not less than four spot elevations per acre, evenly distributed.
- (b) For slopes of 15 percent to 20 percent: ten (10) feet.
- (c) For slopes of 15 percent to 20 percent: ten (10) feet.
- (d) For slopes of over 20 percent: twenty (20) feet.
- (3) ✓ The location of at least one temporary bench mark within the subdivision or partition boundaries.
- (4) ✓ The location and direction of water course and the location of areas subject to flooding.
- (5) ✓ Natural features such as rock outcroppings, marshes, wooded areas and isolated preservable trees.
- (6) Existing uses of the property and location of existing structures to remain on the property after platting.
- e. Proposed Plan of Subdivision or Major Partition. The following information shall be included on the tentative plan of a subdivision.
- (1) The location, width names, approximate grades and radii of curves of proposed streets. The relationship of streets to projected streets as shown on any development plan or,

if no complete development plan is in effect in the area, as suggested by the Planning Commission to assure adequate traffic circulation.

- (2) The location, width and purposes of proposed easements.
  - (3) The location and approximate dimensions of proposed lots and the proposed lot and block numbers.
  - (4) Proposed sites, if any, allocated for purposes other than single-family dwellings.
  - (5) All areas proposed to be dedicated to the public by the applicant and the proposed uses thereof.
  - (6) All public improvements proposed to be made or installed, and the time within which such improvements are to be completed.
  - (7) A plan for domestic water supply lines and related water service facilities.
  - (8) Proposals for sewage disposal, storm water drainage and flood control, including profiles of proposed drainage ways.
  - (9) If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.
  - (10) Proposals for other improvements.
- f. Partial Development. If the subdivision or partition proposal pertains to only part of the tract owned or controlled by the land divider the Planning Commission may require a sketch of a tentative layout for streets in the subdivision/partitioned area.

C. Preliminary Review of Tentative Plan

Upon receipt, the City Recorder shall furnish one copy of a tentative plan and supplementary material to the City Council and such agencies as are known to be affected or interested.

D. Approval of Tentative Subdivision Plan

1. Within 40 days from the first regular Planning Commission meeting following submission of a tentative plan of a subdivision or major partition the Planning Commission shall review the plan and the reports of appropriate officials and agencies. The Planning Commission may approve the tentative plan as submitted or as it may be modified. If the Planning Commission does not approve the plan, it shall express its disapproval and its reason therefor in writing.

2. Approval of the tentative plan shall indicate approval of the final plat if there is no change in the plan of the subdivision or major partition and if the subdivider complies with the requirements of these regulations.
3. The action of the Planning Commission shall be noted on twelve (12) copies of the tentative plan, including reference to any attached documents describing conditions. One copy shall be returned to the applicant and the other shall be retained by the Planning Commission.

#### SECTION IV. MAJOR PARTITION MAP AND SUBDIVISION PLAT PROCEDURE

##### A. Submission of the Major Partition Map or the Subdivision

Within one year after approval of the tentative plan, the applicant shall cause the partition or the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved. The applicant shall submit the original drawing, 12 prints and any supplementary information to the City Recorder. If the applicant wishes to proceed with the major partition or subdivision after the expiration of the one-year period following the approval of the tentative plan, the applicant must submit a new tentative plan and make any revision necessary to meet changed conditions.

##### B. Information on Plat

In addition to that required for the tentative plan or otherwise specified by law, the following information shall be shown on the plat:

- ① 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. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.
  - b. Adjoining corners of adjoining subdivisions.
  - c. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.
2. The exact location and width of streets and easements intercepting the boundary of the tract.
- ③ Tract, block and lot boundary lines and street right-of-way and center lines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings. Normal high water lines for any creek or other body of water. Trace boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

4. The width of the portion of streets being dedicated and the width of existing right-of-way. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated.
5. Easements denoted by fine dotted lines, clearly identified and, if already recorded, their recorder reference. If an easement is not definitely located of record, a statement of the easement shall be given. ~~The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown.~~ If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.
6. Lot numbers beginning with the number "1" and numbered consecutively in each block.
7. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and 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.
8. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.
9. Building setback lines, if any, are to be made a part of the subdivision restrictions.
10. The following certificates which may be combined where appropriate.
  - a. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.
  - b. A certificate signed and acknowledged as above, dedicating all land intended for public use except land which is intended for the exclusive use of the lot owners in the subdivision, their licenses, visitors, tenants and servants.
  - c. A certificate with the seal of and signed by the engineer or the surveyor responsible for the survey and final map.
  - d. Other certifications now or hereafter required by law.

C. Supplemental Information with Plat

The following data shall accompany subdivision plats only:

1. 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 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 and donation land claim corners, and showing the error of closure, if any.
  - b. The computation of distances, angles and courses shown on the plat.
  - c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
3. A copy of any deed restrictions applicable to the subdivision.
4. A copy of any dedication requiring separate documents.
5. A list of all taxes and assessments on the tract which have become a lien on the tract.
6. A certificate by the city that the applicant has compiled with the requirements of Section VII and VIII.

D. Technical Review of Plat or Map

1. Upon receipt by the City Recorder, the plat or map and other data shall be reviewed by the Planning Commission which shall examine them to determine that the subdivision or partition as shown is substantially the same as it appeared on the approved tentative plan and that there has been compliance with provisions of the law and of these regulations.
2. The Planning Commission may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground and the city's representatives may enter the property for this purpose.
3. If the Planning Commission determines that full conformity has not been made, the applicant shall be advised of the changes or additions that must be made and shall afford the applicant an opportunity to make the changes or additions.

E. Approval of Major Partition Map and Subdivision Plat

Upon receipt of the map or plat the Planning Commission shall approve, deny or when further information is required, postpone a decision on the application. If the map or plat is in conformance with the approved tentative plan and conforms to all other requirements, the Planning Commission shall approve the map or plat.

Approval shall be indicated by the signature of the Chairman of the Planning Commission. The approval of the plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement shown on the plat.

F. Filing of Plat or Map

An applicant shall, without delay, submit the plat or map for signatures of other public officials required by law. Approval of the plat or map shall be null and void if the plat or map is not recorded within 90 days after the date the last required approving signature has been obtained.

SECTION V. MAJOR PARTITIONING PROCEDURE

A major partition authorized by Section III B.1 shall be approved under the following procedure:

- A. There shall be submitted to the City Recorder twelve (12) copies of a tentative plan 8½ X 11 inches, or 18 X 24 inches in size with the following information:
1. The date, northpoint, scale and sufficient description to define the location and boundaries of the tract to be partitioned and its location.
  2. Name and address of the record owner and of the person who prepared the tentative plan.
  3. Actual acreage of the land under a single ownership or, if more than one ownership is involved, the total contiguous acreage of the landowners directly involved in the partitioning.
  4. For land adjacent to and within the tract to be partitioned, the locations, names and existing widths of streets; location, width and purpose of other existing easements; and location and size of sewer and water lines and drainage ways, the location of power poles, and the location of wells, septic tanks and drainfields.
  5. Outline and location of existing buildings to remain in place.
  6. Parcel layout, showing size and relationship to existing or proposed streets and utility easements.
  7. Such additional information as required by the Planning Commission.
- B. The tentative plan shall be submitted fifteen days prior to a regular scheduled meeting for Planning Commission review and determination that the proposal will comply with these regulations. The Planning Commission may require dedication of land and easements and may specify conditions or modifications in the tentative plan as necessary. In no event, however, shall the Planning Commission require greater dedications or conditions than could be required if the tract were subdivided.
- C. When a tentative plan has been approved, all copies shall be marked with the date and conditions, if any, of approval. When compliance with conditions has been assured, the plan shall be marked approved and then becomes the partition map.
- D. The provisions of Section III.C apply to review of a major partition.

## SECTION VI. IMPROVEMENT GUARANTEE

### A. Agreement for Improvements

Before final Planning Commission approval of a subdivision plat or partition map, the land divider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the city an agreement between the land divider and the city, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the city may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for reimbursement of the city for the cost of inspection by the city which shall not exceed 10 percent of the improvements to be installed.

### B. Bond

1. The land divider shall file with the agreement, to assure 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 in a form approved by the City Attorney.
  - b. 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 ability to proceed in accordance with the agreement.
  - c. Cash in an amount determined by the City Council.
2. Such 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 and incidental expenses, and to cover the cost of city inspection.
3. If the land divider fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds cost and expense incurred by the city, it shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the city, the land divider shall be liable to the city for the difference.

## SECTION VII. DESIGN STANDARDS

### A. Principles of Acceptability

A land division, whether by a subdivision, creation of a street, or a partitioning, shall conform to any development plans, shall take into

consideration any preliminary plans made in anticipation thereof, and shall conform to the design standards established by these regulations. The standards are presented as minimum requirements. All land divisions shall be evaluated in terms of efficiency in the use of land; protection of natural features; and compatibility with the rural nature of the city of Coburg.

B. Streets

1. General

The location, width and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the streets. The 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. Where location is not shown in a development plan, the arrangement of streets shall either:

- a. Provide for the continuation or appropriate projection of existing principal streets in surrounding area; or
- b. Conform to a plan for the neighborhood approved or adopted by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

2. Minimum Right-of-Way and Roadway Width

Unless otherwise indicated on the development plan, the street right-of-way or roadway widths shall not be less than the minimum width in feet shown in the following table:

687-5477

<u>Type of Road</u>	<u>Minimum Right-of-Way Width</u>	<u>Minimum Paving Width</u>
Minor Arterial	60'	40'
Collector	60'	36'
Local	50'	28'
Cul-de-Sac	50'	28'
Industrial/ Commercial	60'	44'
Alley (Ind/Consumer. only)	60'	20'

paving radius } 3

3. Reserve Strips

Reserve strips or street plugs controlling access to streets will not be approved unless necessary for the protection of the public

welfare or of substantial property rights and in these cases they may be required. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the city under conditions approved by the Planning Commission.

4.

#### Alignment

As far as is practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, whenever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 125 feet.

#### 5. Future Extensions of Streets

Where necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

6.

#### Intersection Angles

Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle, but in no case shall the acute angle be less than 80 degrees unless there is a special intersection design. A minor arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include a minor arterial street shall have a minimum corner radius sufficient to allow for a roadway radius of 20 feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, intersection of more than two streets at any one point will not be approved.

#### 7. Existing Streets

Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of the land division.

#### 8. Half Street

Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when the Planning Commission finds it will be practical to require the dedication of the other half when the

adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

9. Cul-de-Sac

A cul-de-sac shall be as short as possible and shall terminate with a circular turn-around.

10. Street Names

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the Planning Commission. All street signs shall be installed by the city and the cost of such installation and materials shall be assessed to the developer of the land division or partition.

11. Grades and Curves

Grades shall not exceed five (5) percent on minor arterials, ten (10) percent on collector streets or twelve (12) percent on other streets. Center line radii of curves shall not be less than 200 feet on minor arterials and collector streets or 100 feet on other streets, and shall be to an even ten (10) feet. Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum slope, preferably, of at least 1.0 percent.

12. Streets Adjacent to Railroad Right-of-Way

Wherever the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land between the streets and the railroad. The distance shall be determined with due 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 along the railroad right-of-way.

13. Marginal Access Streets

Where a land division abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic.

14. Alleys

Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission. The corners of alley intersections shall have a radius of not less than 12 feet.

C. Blocks

1. General

The length, width and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.

2. Size

No block shall be more than 600 feet in length between street corner lines in residential zones and 1200 feet in industrial zones unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 1200 feet. 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.

3. Easements

a. Utility Lines - Easements for water mains, electric lines or other public utilities shall be dedicated wherever necessary. The easements shall be at least 10 feet wide and centered on lot or parcel lines, except for utility pole tieback easements which may be reduced to six 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 width as will be adequate for the purpose. Streets or parkways parallel to the major water courses may be required.

D. Building Sites

1. Size and Shape

The size, width, shape and orientation of building sites shall be appropriate for the location of the land division or partition and for the type of development and use contemplated, and shall be consistent with the lot size provisions of the zoning code with the following exceptions:

a. In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements

of the Department of Environmental Quality (DEQ) and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank.

- b. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- c. There shall be no key or butt lots of parcels except where authorized by the Planning Commission where such lots or parcels are necessitated by unusual topographical conditions or previous adjacent layout.
- d. Where the subdivision or partition will result in a lot or parcel  $\frac{1}{2}$  acre or larger in size which in the judgment of the Planning Commission is likely to be further divided in the future, the Planning Commission may require that the location of lot and parcel lines, structure placement, and other details of layout be such that future division may readily be made without violating the requirements of these regulations and without interfering with the orderly extension of adjacent streets.
- e. Public Access Ways - When necessary for public convenience and safety, the Planning Commission may require the land divider to dedicate to the public access ways to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other public areas, of such design, width and location as reasonably required to facilitate public use.
- f. Pedestrian and Bicycle Ways - When necessary for public convenience, safety, or as may be designated on an adopted comprehensive plan, the city may require that pedestrian or bicycle ways be improved and dedicated to the public.
  - (1) Sidewalks shall have a minimum paving width of three feet.
  - (2) Individual bikeways shall have an eight foot minimum paving width. Striped bikeways shall have a minimum paved width of six feet.
- g. Sewerage Facilities - All lots and parcels in any division or partition shall be served by either an approved public or community sewerage facility or be suitable for an approved individual sewage disposal facility. Methods of sewage disposal shall be in accordance with and subject to applicable provisions of ORS 199.410 to 199.514 and ORS 454.010 to 454.795 as well as all appropriate rules, regulations and policies

promulgated under authority of the Oregon Revised Statutes and all appropriate Lane County and City of Coburg ordinances and policies.

- h. Large Building Sites - In dividing tracts into large lots or parcels which, at some future time, are likely to be reduced, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

2. Access

Except as set forth in Section III.B.1.b., each lot and parcel shall abut upon a street other than an alley for a width of at least 25 feet with the exception of panhandle lots and cul-de-sacs.

3. Water Supply

All lots and parcels in any division shall be served by the Coburg water system and shall meet minimum fire protection standards set by the Coburg Fire Department.

4. Through Lots and Parcels

Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arterials or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 feet wide and across which there shall be no right of access, may be required along the line of building sites abutting such a traffic artery or other incompatible use.

5. Lot and Parcel Sidelines

The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.

*Final*  
⑥

6. Drainage

Where land in the subdivision or partition is or will be periodically subject to accumulations of surface water or is traversed by any water course, channel, stream or creek, the Planning Commission may require the applicant to provide for adequate unrestricted drainage over drainage land by dedicating to the public easements adequate for the drainage needs of the area. Said easements shall be approved by the Planning Commission.

The Planning Commission may, when necessary for the protection of such drainage way lands, require conveyance of ownership to the city.

E. Grading of Building Sites

Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.

1. Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically.
2. Fill slopes shall not exceed two feet horizontally to one foot vertically.
3. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

F. Building Lines

If special building setback lines are to be established in a subdivision, they shall be shown on the subdivision plat or, if temporary in nature, they shall be included in the deed restrictions.

G. Land for Public Use

If the city has an interest in acquiring a portion of proposed subdivision for a public purpose, or if the city has been advised on such an interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one year, at a cost not to exceed the value of the land prior to the subdivision.

H. Park/Park Recreation Acquisitions

Within or adjacent to a subdivision of land into 10 or more lots, a parcel of land of not less than six percent of the gross area of the subdivision shall be set aside and dedicated to the public by the subdivider. The parcel shall be approved by the Planning Commission as being suitable and adaptable for park and recreation uses. In the event no such area is suitable for park and recreation purposes, or for a subdivision of land into less than 10 lots, the subdivider shall, in lieu of setting aside land, pay into a public land acquisition fund a sum of money equal to one (1) percent of the gross sale price of each lot in the subdivision, which sum of money shall be paid at the time each lot is developed or sold, whichever occurs first.

## SECTION VIII. IMPROVEMENTS

### A. Procedures

In addition to other requirements, improvements installed by a land divider either as a requirement of these regulations or at the divider's option shall conform to the requirements of these regulations and improvement standards and specifications followed by the city and Lane County and shall be installed 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 proposal, the plans may be required before approval of the tentative plan of a subdivision or partition.
2. Improvement work shall not commence until after the city is notified, and if work is discontinued for any reason it shall not be resumed until after the city is notified.
3. Improvements shall be constructed under the inspection and to the satisfaction of the city. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.
4. Underground utilities installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.
5. A map showing improvements as built shall be filed with the city upon completion of the improvements.

### B. Specifications for Improvements

Specifications to supplement the standards of these regulations shall be prepared and submitted to the City Council for approval. Said specifications shall be based on engineering standards appropriate for the improvements concerned. Specifications shall be prepared for the design and construction of required public improvements, such other public facilities as a developer may elect to install, and private streets.

### C. Improvements in Subdivisions

The following improvements shall be installed at the expense of the subdivider and at the time of subdivision:

1. Streets - Public streets, including alleys, within the subdivision and public streets adjacent but only partially within the subdivision shall be improved. Catch basins shall be installed and connected to drainage tile leading to drainage ways. Upon completion of the street improvement, monuments shall be

re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their centerlines.

2. Surface Drainage - Drainage facilities shall be provided within the subdivision to connect the subdivision drainage to drainageways outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas.
3. Sewer Disposal - Sewage disposal shall comply with current DEQ standards.
4. Water System - Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to city mains shall be installed. The design shall take into account provisions for extension beyond the subdivision and adequately grid the city system.

If water mains are required to directly serve property outside the subdivision, the city will reimburse the subdivider an amount estimated to be the proportionate share of the cost for each connection made to the water mains by property owners outside the subdivision for a period of ten years from the time of installation of the mains. The actual amount shall be determined by the city at the time of approval of the plat, considering current construction costs.

5. Sidewalks - Sidewalks shall be installed on both sides of a public street and in any special pedestrian way within the subdivision, except that in the case of the primary or secondary arterials, or special type industrial districts, the Planning Commission may approve a subdivision without sidewalks if alternative pedestrian routes are available; and provided further, that in case of streets serving residential areas having single-family dwellings located on lots equivalent to two and one-half or less dwellings per gross acre, the requirement of sidewalks shall not apply, provided there is no evidence of special pedestrian activity along the streets involved.

*No  
Sidewalks  
ask  
clear*

6. Bicycle Routes - If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets and separate bicycle paths.
7. Street Name Signs - Street name signs shall be installed at all street intersections.
8. Street Lights - Street lights shall be installed and shall be served from an underground source of supply.

9. Other - The developer shall make necessary arrangements with utility companies or other persons or corporations affected for the

installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street light and cable television, shall be placed underground.

D. Improvements in Partitions

The same improvements shall be installed to serve each building site of a partition as is required of a subdivision. However, if the Planning Commission finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the Planning Commission shall except those improvements. In lieu of excepting an improvement, the Planning Commission may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the city.,

SECTION IX: VARIANCE AND ENFORCEMENT

A. Variances

1. Application

The Planning Commission may authorize conditional variances to requirements of this ordinance. Application for a variance shall be made by a petition of the land divider, stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative plan. A variance may be granted only in the event that all of the following circumstances exist.

- a. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of the property, since enactment of these regulations, have had no control.
- b. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity possess.
- c. The variance would not be materially detrimental to the purposes of these regulations, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.
- d. The variance requested is the minimum variance which would alleviate the hardship.

2. Planning Commission Action on Variances

In granting or denying a variance, the Planning Commission shall make a written record of its findings and the facts in connection

therewith, and shall describe the variance granted and the conditions designated. The city shall keep the findings on file as a matter of public record.

B. Appeals

12 days per OLS 227.175 (10)(a)(CC)  
Within a ten (10) day period following Planning Commission action, written appeals from the decision of the Commission may be taken to the City Council by any person aggrieved or affected by any determination of the Commission in conjunction with any application or upon failure of the Planning Commission to make its determination on the application within thirty (30) days from the date of receipt of the application by the Planning Commission. Such appeal shall be filed with the City Recorder and shall state the grounds thereof and wherein the Planning Commission failed to conform to the requirements of this ordinance. The City Recorder shall transmit one copy of the appeal to the Planning Commission President. No determination of the Planning Commission shall become active until the termination of any appeal pending against it.

The City Council at the next duly held meeting shall set a date, time and place for a public hearing on the appeal. The Commission shall submit to the Council a report setting forth reasons for the action taken by the Commission or members of the Commission shall be present at the public hearing to represent the Commission. The Council may, by resolution, affirm, reverse or modify the whole or part of the conditions, decisions or requirements of the Commission. Before granting such appeal or before changing any of the conditions imposed by the Commission, the City Council shall make written findings setting forth wherein the Planning Commission findings were in error.

C. Severability

The provisions of these regulations are severable. If a section, sentence, clause or phrase of these regulations is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of these regulations.

D. Penalties for Violation

In addition to penalties provided by state law, a person who violates or fails to comply with a provision of this ordinance shall, upon conviction thereof, be punished by a fine or not more than \$500 or by imprisonment for not more than 100 days or both. A violation of these regulations shall be considered a separate offense for each day of the violation.

SECTION X: SCHEDULE OF FEES, CHARGES AND EXPENSES

The City Council may establish a schedule of fees, charges and expenses and a collection procedure for processing of subdivisions, major and minor partitions, appeals, amendments and other matters pertaining to these regulations.

Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

#### SECTION XI: DEFINITIONS

- A. Lot - A unit of land that is created by a subdivision of land.
- B. Major Partition - A partition which includes the creation of a road or street.
- C. Map - A final diagram, drawing or other writing concerning a major partition.
- D. Minor Partition - A partition that is subject to approval by a city or county under a regulation or ordinance adopted pursuant to ORS 92.046 and that does not include the creation of a road or street.
- E. Negotiate - Any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to advertising, solicitation and promotion of the sale of such land.
- F. Parcel - A unit of land that is created by a partitioning of land.
- G. Partition - Either an act of partitioning land or an area or tract of land partitioned as defined in this section.
- H. Partition Land - To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from lien foreclosures, divisions of land resulting from foreclosure of recorded contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot sized established by the zoning code. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.
- I. Plat - Includes a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
- J. Road or Street - A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

- K. Sale or Sell - Includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.
- L. Subdivide Land - To divide an area or tract of land into four 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 beginning of such year.
- M. Subdivision - Either an act of subdividing land or an area or tract of land subdivided as defined in this section.

GD:jw/CDTA1



## INTERPRETATION OF CITY POLICY CONCERNING STREET DEDICATION

### A. The City Council finds the following:

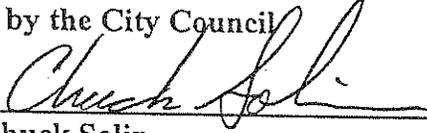
1. Transportation Policy 17 in Coburg's Comprehensive Plan states that, "Public street right-of-ways should continue to serve as the primary access to properties for transportation and public utilities." The Comprehensive Plan (p. 32) also says: "It is essential that Coburg take full advantage of its present investment in street improvements and also take actions that insure that future developments are in the best interests of local residents."
2. The Coburg Subdivision Ordinance provides, in Section VII, that "where location is not shown in a development plan, the arrangement of streets shall provide for the continuation or appropriate projection of existing principal streets in surrounding areas." And "Where necessary to give access to or permit a satisfactory division of adjoining land, streets shall be extended to the boundary of the subdivision or partition. . . ."
3. In certain instances in the past the City of Coburg has not required street dedications to complete or extend the overall street grid of the City of Coburg. These decisions have been made because, at the time, the current policies of the City of Coburg were not in effect, or were not fully enforced so as to allow the transactions to proceed as quickly as possible.
4. In certain instances in the past the City of Coburg has extended streets or public utility rights-of-way across property not officially dedicated or deeded to the City for use as streets. These actions were taken with the intent of making the property used available to all the residents of the City of Coburg as a right-of-way in the manner and to the extent established by the City of Coburg.

### B. The City of Coburg concludes that the policy of the City, as stated in the ordinances of the City of Coburg is as follows:

In all reviews of proposed partitions, subdivisions and other transfers of ownership of real property, an applicant seeking approval for the transaction from the City of Coburg will be required to dedicate to the City of Coburg sufficient property to establish, extend or continue the rights-of-way available to the City, including the street grid of the City of Coburg whenever: the character of the proposed transfer creates a need for further streets or other rights-of-way in order to allow occupants of the subject property the same access to city services as is made available to other residents of the City of Coburg; or the City has in the past asserted a right to use the right-of-way, and has exercised that right in a manner consistent with the asserted right; or where the City has chosen, at the request of the applicant or a predecessor in interest to delay consideration of any required dedication where, if such forbearance had not been exercised, the City could have required

dedication of a right-of-way; or such a requirement is otherwise consistent with and clearly required by either the Coburg Comprehensive Plan, the Coburg Subdivision Ordinance or the related land use ordinances of the City of Coburg. The requirement for a dedication shall be no greater than is necessary to meet one or more of the conditions described in the previous sentence that give rise to an appropriate level of dedication.

Adopted by the City Council



Chuck Solin  
Mayor

OCTOBER 1, 1996

Date