

## CHAPTER 11

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# LAND DEVELOPMENT REVIEW

## CHAPTER 11

### MINOR DESIGN REVIEW

**11.000 Procedure.** The Director, without public hearing and without publishing or mailing of notices, may consider and render a minor design review decision, when a plan requiring design review, reference Section 11.050 and calls for less than a 10% addition to an existing footprint or construction or reconstruction of a parking lot for commercial, industrial or public facilities.

[Added by Ordinance 97-20, enacted August 4, 1997]

**11.005 Application.** The application requirements for a minor design review shall be the same as set forth in Section 11.060.

[Added by Ordinance 97-20, enacted August 4, 1997]

**11.010 Appeal.** The decision of the Director shall be final unless the applicant is dissatisfied in which case the applicant may appeal by following the procedure in Section 10.405. The applicant shall pay the appeal fee pursuant to Section 10.530.

[Added by Ordinance 97-20, enacted August 4, 1997]

### DESIGN REVIEW

**11.050 Purpose.** For purpose, see Section 10.000, Purpose and Scope.

**11.055 Review and Appeal.** A design review shall be conducted whenever plans are made for the following:

[Amended by Ordinance 6620, enacted June 17, 1993]

- (1) A new structure or an exterior structural addition, extension or relocation of or to, an existing structure or a commercial, industrial or public facility nature; or
- (2) A business enterprise or individual use to move into an existing structure that requires a change in occupancy as defined by the building code or into a structure which is not in compliance with off street parking, site access and/or landscaping requirements of Chapter 14; or
- (3) A multifamily dwelling having five or more units; or
- (4) Parking lots for commercial, industrial or public facilities or a multifamily dwelling having five or more units.

The decision of the Director may be appealed pursuant to Sections 10.405 to

10.440.

[Amended by Ordinance 95-3, enacted February 21, 1995]

**11.060 Application.** A design review shall be conducted whenever plans are made for a new structure or for an exterior structural addition, extension to a new or existing commercial, industrial or public facility nature or pertaining to a multifamily dwelling having five (5) or more units. The applicant shall submit ten (10) copies of the applicable plans, illustrations and/or photographs, as applicable.

[Amended by Ordinance 96-19, enacted July 1, 1996]

- (1) **Site Plan.** A site plan shall be signed by the applicant and shall contain the following information in written and/or graphic form, to an appropriate scale:
  - a. Date
  - b. North arrow
  - c. Written and graphic scale
  - d. Lot and building dimensions, setback dimensions and height of all existing structures which are to be retained on the site.
  - e. Proposed layout of the parking lot, including location and dimensions of parking spaces, handicap parking spaces, curb islands, internal planter strips, maneuvering aisles and access driveways with indications of directions of travel.
  - f. Location and type of handicap access
  - g. Location of adjacent streets
  - h. Existing utilities
  - i. Location of all recreational amenities such as open play areas, swimming pools, tennis courts, tot lots and the like.
  - j. Statement of present zoning and the intended use of the property.
  - k. Site data in tabular form including: total area of the property (square feet); building coverage (square feet); existing gross floor area (square feet); parking lot coverage (square feet); parking lot landscape coverage (square feet); and number of parking stalls provided.

- l. Location of all fencing used to divide properties and to screen mechanical equipment.
- m. Trash containers
- n. External lighting
- o. Existing and proposed signing
- p. Existing site specific physical features including drainage ways, lakes and structures, with indication as to which are to be retained. Adjacent properties and their physical features within 50 feet of the property line shall be identified including setback dimensions of adjacent structures.
- q. Finished floor elevation related to curb, street or other established grade or bench mark. All lots shall show grading and drainage with existing grade contours and finished grades or contours clearly indicated.
- r. Size and location of all existing and proposed public and private utilities, easements or rights of way.
- s. Location, dimension and names of proposed internal streets showing center line radii and curb return radii. Location and dimensions of sidewalks shall also be shown.
- t. Proposed gross floor area (square feet) and number of residential units as appropriate (in tabular form).

[Amended by Ordinance 6413, enacted January 3, 1983]

[Amended by Ordinance 6620, enacted June 17, 1993]

[Amended by Ordinance 96-19, enacted July 1, 1996]

- (2) **Landscape Plan.** A landscape plan shall include the following information:
  - a. Tree planting calculations.
  - b. Existing vegetation noting species, size and driplines of trees 2½" caliper and larger, with a distinction shown between vegetation to be retained or removed.
  - c. New plant material noting quantities, species (botanical and common names) and size (in caliper or height at time of

installation) and graphically distinguishing between new and existing plan material and between species of new plant material.

- d. Paving and materials.

e. Screening, noting materials used as screen, height of screen material, device or area which requires screening and height of device to be screened (exterior areas which require screening include parking, refuse storage and mechanical equipment).

f. Storm water retention/detention areas.

[Added by Ordinance 96-19, enacted July 1, 1996]

(3) **Vicinity Map.** A drawing or photograph which indicates the relationships and forms of existing developments within 250 feet of the proposed project.

The project site shall be highlighted.

[Added by Ordinance 96-19, enacted July 1, 1996]

[Amended by Ordinance 00-09, enacted May 1, 2000]

(4) **Building Elevations.** At a minimum, the front and one side elevation shall be submitted.

[Added by Ordinance 96-19, enacted July 1, 1996]

(5) **Zoning Map.** A drawing which identifies the zoning designation of the project site and adjacent parcels in the general area of the project.

[Added by Ordinance 96-19, enacted July 1, 1996]

(6) **Tenant Signage Criteria.** A narrative document which forms the basis of a legally binding agreement between landlord and tenant which sets forth requirements and parameters for signage placement, sizes, quantities, quality, color, materials and graphic character. This will also serve as the basis of Commission review to permit future tenant modifications consistent with the aesthetic intent of the project as a whole.

[Added by Ordinance 96-19, enacted July 1, 1996]

(7) **Material Samples.** A display board which illustrates actual site and building materials. Samples shall provide an accurate representation of color, texture, finish and range variations.

[Added by Ordinance 96-19, enacted July 1, 1996]

(8) **Photographs.** Current color photographs of the site showing all building elevations, surrounding properties and landscape views. Format shall be a minimum 4" x 6" color print or color slides.

[Added by Ordinance 96-19, enacted July 1, 1996]

(9) **Topographic Map.** The minimum accepted will be a USGS map.

[Added by Ordinance 96-19, enacted July 1, 1996]

- (10) **Sign and Awning Elevations.** Documentation shall include:
- a. Views of supporting members including poles, bases and pedestals;
  - b. Side views which indicate signage depth and projections;
  - c. Method of illumination (if applicable);
  - d. Dimensions of sign faces, support members, borders, trims, letters and graphics; and
  - e. Method of attachment of wall signs.

[Added by Ordinance 96-19, enacted July 1, 1996]

### **11.065 Procedure.**

- (1) The applicant for a design review shall consider the relevant zone requirements and the site standard requirements of Chapter 14, in preparing a site plan herein required. The applicant shall submit the application and supporting documentation in the form as required by the Planning Department. If the Director determines it is within the public interest, due to the complexity and/or uniqueness of the proposed project, he may require the applicant to provide the services of a licensed architect, engineer, surveyor and/or landscape architect.

[Amended by Ordinance 6620, enacted June 17, 1993]

[Amended by Ordinance 00-09, enacted May 1, 2000]

- (2) Except as provided by Subsection (3) below, an application shall be processed by the Director without a need for public hearing. If the Director determines that the development proposal appears to meet the required standards, the Director shall mail notice of the proposal for which approval is forthcoming to all property owners within a 100 foot radius of the property. The notice shall summarize the standards and facts related to the decision, invite persons to submit information relevant to the standards that are pertinent to the proposal within five (5) days of notification, giving reasons why the application should or should not be approved or proposing modifications the person believes are necessary for approval according to the standards. The notice also shall advise the person of the right to request a hearing.

[Amended by Ordinance 00-09, enacted May 1, 2000]

- (3) If the Director contemplates that persons other than the applicant can be expected to question the application's compliance with the relevant zone requirements and the site standard requirements of Chapter 14 or if any property owner entitled to notice under Subsection (2) requests a public hearing in writing, the director will initiate a public hearing on the application before the Planning Commission. The Director shall set a date for the public hearing and mail notice to those same persons receiving the original notice. The Director at his discretion may choose to initiate a public hearing and provide notice such as required herein without making a preliminary determination and mailing notice of such as provided in Subsection (2). At the public hearing, the applicant and interested persons may present information and arguments relevant to the proposal including reasons why the application should be approved or denied or proposing modifications the person believes necessary for approval.
- (4) The Director shall review the application, written comments and testimony if any and make a finding for each point in dispute and make a decision on the application by approving, conditionally approving or denying the application within ten (10) days of the closing of the period for comments. The decision of the Director shall be based upon the compliance of the site plan with the relevant zone requirements and the site standards set forth in Chapter 14 and shall be to approve, disapprove or conditionally approve the plan. The decision of the Director shall be reduced to writing and in the event of disapproval, shall set forth the specific requirements of Chapter 14 or of the relevant zone which are not in compliance. The written decision shall be mailed to the applicant and to any person who has appealed within five (5) days of the date of the Director's decision.

[Amended by Ordinance 6413, enacted January 3, 1983]

[Amended by Ordinance 00-09, enacted May 1, 2000]

**11.068 Criteria for Approval.** The following criteria shall be used to approve or deny an application:

- (1) All applicable City ordinances have been met or will be met by the proposed development.
- (2) That adequate capacity of City facilities for water, sewer, paved access to and through the development, electricity, storm drainage and adequate transportation can and will be provided to and through the subject property.

[Added by Ordinance 97-28, enacted December 15, 1997]

**11.070** [Repealed by Ordinance 6413, enacted January 3, 1983]

**11.075** [Repealed by Ordinance 6413, enacted January 3, 1983]

**11.080** [Repealed by Ordinance 6413, enacted January 3, 1983]

**11.081 Resubmission.** Within 20 days of the date of the Director's written decision, the applicant may resubmit the application with corrections sufficient to bring the site plan into compliance with the standards of Chapter 14 and the relevant zone requirements. Review of the resubmitted application shall follow the procedure set forth in Section 11.065. In the event the resubmitted site plan fails to comply with the relevant zone requirements and/or the standards of Chapter 14 and is therefore disapproved by the Director, there shall be no further resubmittals of the site plan without payment of a new application fee.

[Amended by Ordinance 6413, enacted January 3, 1983]

**11.085 Appeal.** A decision of the Director may be appealed pursuant to the provisions of Sections 10.405.

[Amended by Ordinance 6413, enacted January 3, 1983]

**11.090 Conformity to the Site Plan.**

- (1) No building permit shall be issued nor any development commence until a site plan, as required under Sections 11.050 to 11.068, is approved by the Director and a site plan agreement, as outlined in Section 11.050, is signed by both parties.
- (2) Upon written request of the applicant, the Director may approve quantifiable changes in approved site plans, not to exceed five (5) percent of quantifiable requirements, when he determines the changes will not significantly alter the character, density, intensity or otherwise significantly change the plan as originally approved. Significant changes must be approved anew as required by Sections 11.050 to 11.068.

**11.092 Bonding and Assurance.**

- (1) **Type of Security.** The Director may require, as a condition of site plan approval, a security bond or other adequate assurances as provided in Section 11.925(1) to assure full conformance of all development to the approved site plan.

[Amended by Ordinance 6413, enacted January 3, 1983]

- (2) **Amount Required.** The amount of such bond or other assurance shall be established in accordance with the provisions of Section 11.925.

- (3) **Default Status.** If the applicant fails to conform to the approved site plan, the City shall utilize the securities as provided in this section to assure such conformance, including court costs and attorneys' fees necessary to enforce conformance. If the amount of the securities exceeds costs and expenses incurred by the City, it shall release the remainder. If the amount of securities is less than the cost and expense incurred by the City, the applicant shall be liable to the City for the differences and upon demand, pay such liability to the City.

**11.093 Site Plan Agreement.** Any site plan approved pursuant to the provisions of this section shall not become valid until a Site Plan Agreement, as provided in Exhibit M(1), of Section 10.310 is signed by all parties.

**11.094 Validity Period.** Site plans approved by the Director shall remain valid for a period of one year following the date of its approval. At the end of that time, if substantial site excavation or construction has not begun, then the site plan approval shall be void and shall become effective only if resubmitted to the Director and again approved. All construction and development initiated under any building permit shall be in accordance with the approved site plan.  
[Amended by Ordinance 6413, enacted January 3, 1983]

## CONDITIONAL USE PERMIT

**11.100 Procedure.** An applicant for a conditional use permit shall submit an application in accordance with the provisions of Section 10.505. The application with all required forms will be processed according to Section 10.805, Administrative Review.

**11.105 Required Findings.** Prior to making a decision on the requested conditional use permit, the Director shall analyze the following criteria and incorporate such analysis into a decision on the proposed conditional use permit:

- (1) The conditional use permit conforms to all provisions of Chapters 10 to 14 and any applicable street plans;
- (2) The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping and other features required to adjust said use with land and uses in the neighborhood;
- (3) The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;
- (4) The proposed use will have no adverse effect on abutting property or the permitted uses thereof; and
- (5) That adequate capacity of City facilities for water, sewer, paved access, electricity and storm drainage can and will be provided to and through the property;

[Amended by Ordinance 97-28, enacted December 15, 1997]

- (6) The proposed use is similar in scale, bulk, coverage and is architecturally compatible with other uses in the same vicinity and zone;

[Added by Ordinance 97-28, enacted December 15, 1997]

- (7) Provision of public facilities and services to the site will not cause service delivery shortages to existing development; and

[Added by Ordinance 97-28, enacted December 15, 1997]

- (8) The conditions stated in the decision are deemed necessary to protect the public health, safety and general welfare.

**11.110 Decision - Conditions of Approval.** The Director may approve, approve with conditions or deny the application for a conditional use permit. In permitting a conditional use, the Director may impose in addition to the regulations and standards expressly specified in this chapter, other conditions found necessary to protect the best interests of the surrounding property or

neighborhood or the City as a whole. The conditions may include:

- (1) Requirements increasing the required lot size or yard dimensions.
- (2) Control of location and number of vehicular access points to the property.
- (3) Increase street width.
- (4) Require dedication and improvement of additional right of way.
- (5) Increase in the number of off street parking or loading spaces required.
- (6) Limit the coverage or height of buildings because of obstruction of view or reduction of light or air to adjacent property.
- (7) Limit the hours of operation.
- (8) Require sight obscuring fencing, landscaping and/or construction of sound barriers such as earth berms or masonry walls.
- (9) Require any future enlargement or alteration of the use to be reviewed by the Director.
- (10) Review of the conditional use by the Director on or before a specified date and may upon such review, impose further conditions consistent with this chapter.

[Amended by Ordinance 97-28, enacted December 15, 1997]

**11.115 Appeals.** A decision of the Director may be appealed pursuant to the provisions of Sections 10.405 to 10.450.

**11.120 Termination of Conditional Use Permit.**

- (1) When a conditional use permit is approved, such approval shall become void one year from the date of approval if substantial progress, such as substantial site excavation or substantial structure construction, toward the specified conditional use has not been made. The holder of such a permit may apply for an extension of such approval and may be granted by the Director.
- (2) When a use allowed through an approved conditional use permit is discontinued for a period of more than one year, the conditional use permit shall become null and void. Continuation of the use following this time shall require a new conditional use permit.

[Amended by Ordinance 95-9, enacted September 5, 1995]

## **MINOR VARIANCE**

**11.200 Procedure.** In the public interest and when agreed to by the applicant, the Director, without public hearing and without publishing or mailing of notices, may consider and render decisions on minor variances involving a reduction or expansion of not more than 20 percent of any quantifiable provision of Chapters 10 to 14.

[Amended by Ordinance 00-09, enacted May 1, 2000]

**11.205 Required Findings.** The Director shall analyze each of the criteria listed in Section 12.790 11.265 applicable to the applicant's property and incorporate such analysis into his decision. The decision and analysis shall be in writing.

**11.210 Appeal.** The decision of the Director shall be final unless the applicant is dissatisfied, in which case the applicant may appeal by following the procedure in Section 10.405; at which time, an appeal fee shall be charged pursuant to Section 10.530.

## MAJOR VARIANCE

**11.250 Authority.** The Director may approve, conditionally approve or disapprove major variances to quantifiable requirements of Chapters 10 to 14.

**11.255 Procedure.** An applicant for a major variance shall submit an application in accordance with the provisions of Section 10.505. An application for a major variance from any land development requirements of Chapter 11, shall be filed with the tentative plan. The application with all required forms will be processed according to the Administrative Review Procedure, Section 10.805.

**11.260 Hearing Date/Notice.** The date for public hearing before the Planning Director, shall be fixed in accordance with the provisions of Subsection 10.505(4). Notice of such hearing shall be made pursuant to the provisions of Sections 10.605 to 10.635.

**11.265 Required Findings.** Prior to making a decision on the requested major variance, the Planning Director shall analyze the following criteria and incorporate such analysis in his decision on the proposed major variance.

- (1) The major variance is in conformance with the Comprehensive Plan, all other provisions of Chapters 10 to 14 and any applicable street plans.
- (2) There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other property in the same vicinity and zone.
- (3) A major variance is necessary for the applicant to preserve and enjoy a substantial property right equal to that right possessed by other property owners under like conditions in the same vicinity and zone.
- (4) The granting of the requested major variance will not be materially detrimental to the public health, safety, convenience and welfare or injurious to the property improvements in the same vicinity and zone in which the property affected is located and will not be contrary to the intent of Chapters 10 to 14.

**11.270 Appeal.** A decision of the Planning Director may be appealed pursuant to the provisions of Sections 10.405 to 10.440.

**11.275 Termination of Major Variance.** When a major variance is approved, such approval shall become void one year from the date of such approval if substantial progress, such as substantial excavation or substantial construction toward the specified major variance has not been made. The holder of such a major variance may apply for an extension of such approval and may be granted by the Director.



## **ZONE BOUNDARY AMENDMENTS**

**11.300 Boundaries and Boundary Adjustments.** Unless otherwise specified, zone boundaries are lot lines or the center of streets, alleys, railroad rights of ways or public waterways as indicated. Where a zone boundary divides single or contiguous lots or parcels under a single ownership into two zones on April 20, 1981, then the entire lot or parcel shall be zoned for the less restrictive use by the adjustment of the boundaries by the Director. If the boundary adjustment involves an average distance of 20 feet or more, the procedure for a zone change shall be followed as provided in Sections 11.400 to 11.440.

**11.305 Initiation/Decision.** The application for a zone boundary adjustment shall submit an application in accordance with the provisions of Section 10.505.

## **CHANGE OF ZONE - MAJOR PARCELS**

**11.400 Procedure.** When any change of zone is sought, the applicant shall submit an application for a change of zone in accordance with the provisions of Section 10.505.  
[Amended by Ordinance 6413, enacted January 3, 1983]

**11.405 Hearing Date/Notice.** The date for public hearing before the Commission shall be fixed in accordance with Subsection 10.505(4). Notice of such hearings shall be made pursuant to the provisions of Section 10.605 to 10.635.

**11.410 Hearing - Planning Commission.** The Commission shall conduct a public hearing on the requested change of zone regarding a major parcel at the time and place designated on the notice of public hearing. After consideration of all pertinent information and testimony, the Commission shall announce its recommendation at the close of testimony; provided however, the matter may be continued to a future hearing and the decision announced at the close of such hearing. The recommendation of the Commission shall be to approve, disapprove or conditionally approve the requested change of zone. Said decision shall incorporate findings in support of such recommendation in writing. The recommendation shall be filed with the City Recorder and a copy mailed to the applicant.

**11.415 Required Findings.** Prior to making a recommendation on the proposed change of zone, the Commission shall analyze the following criteria and incorporate such analysis in their decision:

- (1) The change of zone is in conformance with the Comprehensive Plan and all other provisions of Chapters 10 to 14 and any applicable street plans.
- (2) The property affected by the change of zone is adequate in size and shape to facilitate those uses that are normally allowed in conjunction with such zoning.
- (3) The property affected by the proposed change of zone is properly related to streets to adequately serve the type of traffic generated by such uses that may be permitted therein.
- (4) The proposed change of zone will have no adverse effect on abutting property of the permitted uses thereof.

[Amended by Ordinance 6413, enacted January 3, 1983]

**11.420 Hearing Date - Council.** Upon receipt of the recommendation from the Commission, the Planning Director shall set a date for public hearing before the Council.

**11.425 Hearing - Council.** The Council shall conduct a public hearing on the record of the Commission hearing. The scope of the Council hearing shall be limited to the record made before the Commission. If the Council determines that new testimony should be taken, it shall refer the matter back to the Commission for a hearing of such new testimony. The Council shall announce its decision at that time or within thirty five days thereof; provided however, the matter may be continued to a future hearing and the decision announced at the close of such hearing.

**11.430 Decision of Council.** The decision rendered by the Council shall be to remand, sustain or reverse the recommendation of the Commission and shall be in writing. The decision of the Council shall be mailed to the applicant within five days from the date of decision.

**11.435 Required Findings.** Prior to rendering a decision on a change of zone, the Council shall make such written findings as required in Section 11.415.

**11.440 Termination of Change of Zone.** When any change of zone is approved, if substantial progress such as substantial excavation or substantial construction toward the conduct of a use permitted within that zone has not been made within one year from the date of such approval, the Planning Commission may initiate, without permission of the owner, the reversion of the zoning to the original zoning district. Adoption of an ordinance shall be required for the reversion. [Amended by Ordinance 95-9, enacted September 5, 1995]

## TEMPORARY PERMITS

**11.500 Authorization.** The Director may in writing and in a manner consistent with the provisions of Sections 11.500 to 11.530, authorize temporary structures including manufactured homes which are incidental to construction on the same property or which are to be used as temporary offices on the same property during construction. In either case, such authorization shall not exceed a period of 12 months.

**11.505 Application/Notice.** The applicant shall submit an application for a temporary permit on the appropriate forms provided by the Planning Department. Notice of administrative action shall be provided pursuant to the provisions of Section 10.620.

**11.510 Standards.** Applicants for temporary permits shall submit evidence as may be required to enable the Director to make a finding that one or more of the following conditions exist:

- (1) The need of the temporary structure authorization is the direct result of a casualty loss such as fire, windstorm, flood or other severe damage by the elements to a preexisting structure previously occupied by the applicant on the premises for which the permit is sought.
- (2) The applicant has been evicted within sixty days of the date of the application from a preexisting occupancy of the lot or parcel for which the permit is as a result of:
  - a. Condemnation proceedings by a public authority;
  - b. Eviction by abatement of nuisance proceedings; or,
  - c. By determination of a public body or court having jurisdiction that the continued occupancy of facilities previously occupied constitutes a nuisance or is unsafe.
- (3) The temporary occupancy required is limited in duration by the purposes for which the permit is sought, such as Christmas tree sales, temporary banking or office facilities, parade stands, circuses, fairs or other exhibitions and other obviously temporary needs.
- (4) The purpose for which the temporary structure authorization is sought is incidental to the basic purpose for which the lot or parcel is being developed and the duration of such structure is limited by the period of development, such as construction site offices or temporary real estate offices.

**11.515 Required Findings.** Prior to granting approval of a temporary permit, the Director shall analyze the following criteria and incorporate such analysis in his decision:

- (1) The location, size, design and operating characteristics of the proposed temporary structure, if applicable, will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity.
- (2) The proposed temporary structure will not adversely affect the capacity, circulation or generation of traffic on streets or other public ways in the vicinity.
- (3) The use of the proposed temporary structure is consistent with the spirit and intent of the zone where the structure is to be located and does not create a substantial property right not enjoyed by others within the same zone.

**11.520 Temporary Permit Conditions.** Reasonable, clear and objective conditions may be imposed by the Director in connection with the temporary permit as necessary to meet the purposes of Sections 11.500 to 11.530. Guarantees and evidence may be required that such conditions will be or are being complied with. Such clear and objective conditions shall be quantifiable whenever possible and may include but are not limited to:

- (1) Special yards and spaces
- (2) Fences and walls
- (3) Control of points of vehicular ingress and egress
- (4) Special provisions for signs
- (5) Landscaping and maintenance of such landscaping
- (6) Maintenance of the grounds
- (7) Control of noise, vibration and odors
- (8) Limitation of operational hours for certain activities.
- (9) A time period within which the proposed use shall be developed.
- (10) A time limit on total duration of temporary use.

**11.525 Duration of Temporary Permit.** The duration of such temporary permit and attendant

structure shall not exceed the period prior to the completion and occupancy of a permanent structure or 12 months, whichever comes first.

**11.530 Voiding of a Temporary Permit.** When a temporary permit is approved, such approval shall become void six (6) months from the date of such approval if the Director determines substantial progress, such as substantial excavation or substantial construction, toward the desired use has not been made. The holder of such a permit may apply for an extension of such approval as may be granted by the Director.

## **NONCONFORMING USES**

**11.550 Procedure.** Exceptions from any provisions of Sections 11.550 to 11.570, may be granted by the Planning Director. An applicant for such an exception shall submit an application on appropriate forms provided by the Planning Department.

**11.560 Hearing Date/Notice.** The Planning Director shall provide notice and review said application in accordance with the provisions of Section 10.505.

**11.570 Required Findings.** Prior to making a decision on the proposed exception, the Planning Director shall analyze the following criteria and incorporate such analysis in his decision on the proposed exception:

- (1) The exception is compatible with adjacent land uses and will not create adverse effects upon surrounding properties.
- (2) The exception will result in an upgrading of the property to the extent that site considerations including but not limited to parking, traffic circulation, drainage, pedestrian ways, screening, landscaping and signs are brought into conformance with the provisions of Chapter 14, to the maximum extent practicable.
- (3) The exception is necessary to maintain a substantial property right of the applicant and avoid undue hardship which can be relieved only by excepting the provisions of Sections 11.550 to 11.570.

## **PROPERTY LINE ADJUSTMENT**

**11.600 General Provisions.** A property line adjustment is required any time an adjustment of a property line is made by the relocation of a common boundary. Persons desiring to make property line adjustments are encouraged to contact the City Planning Department prior to making application. The Department shall provide information pertaining to the requirements of this ordinance, as well as other information having a direct influence on the proposed property line adjustment.

### **11.610 Application Procedure and Review Process.**

- (1) Property line adjustments shall be subject to an administrative review and the procedures and requirements set forth in Chapters 10 to 14 of this ordinance.
- (2) An application for a property line adjustment shall be accompanied by a filing fee in the amount stated in Section 10.530 (1). This fee does not include the costs associated with filing of the final survey, if required or recording costs.
- (3) Notice of the proposed property line adjustment shall be sent to all property owners immediately affected by the adjustment.

**11.615 Property Line Adjustment Review Map Requirements.** Applications for property line adjustments shall include the following:

- (1) A site plan drawn clearly and legibly showing the following information:
  - a. Title block containing the words "Proposed Property Line Adjustment".
  - b. Property location including address (if applicable) or general location, tax account number of affected properties from the records of the Klamath County Assessor.
  - c. Legal description including Subdivision, Lot and Block or Land Partition or Parcel Number.
  - d. Existing and adjusted property lines.
  - e. Location and size of all structures and improvements on all affected properties.
  - f. Total square footage of all existing and proposed structures.

- g. Distances to adjusted property lines for all structures.
- h. Total acreage or square footage of proposed properties (after adjustment).
- i. Date, north arrow and scale. Site plan shall be drawn to an appropriate engineer's scale which shows the greatest detail on a single sheet.
- j. Locations, width and name of any existing or proposed streets, roads or easements abutting the lots. Easements shall include recorded reference, if applicable.
- k. Location of above and below ground utilities in all affected properties.
- l. Other information determined to be necessary due to the existence of special site considerations or unique circumstances.

[Amended by Ordinance 00-09, enacted May 1, 2000]

- (2) An adjusted property line created by the relocation of a common boundary shall be surveyed and monumented in accordance with ORS 92.060 (3) and a survey, complying with ORS 209.250, shall be filed with the County Surveyor.
- (3) The requirements of (2) shall not apply to the relocation of a common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary.

[Amended by Ordinance 00-09, enacted May 1, 2000]

**11.620 Review Criteria.** Prior to making a decision on the requested property line adjustment, the Director shall analyze the following criteria and incorporate such analysis into the final decision on the proposed property line adjustment.

- (1) Both contiguous parcels affected by the property line adjustment have been lawfully created;
- (2) The property line adjustment does not result in the creation of an additional unit of land;
- (3) The parcels resulting from the property line adjustment shall conform to current zoning regulations as contained in Chapter 14 of the Community

Development Ordinance pertaining to size and setback requirements;

- (4) Property lines of lots, parcels or tracts of land that have nonconforming sizes, may be adjusted only if a new nonconformity is not created or if the requirements of Sections 11.200 to 11.275 (Variances) are complied with;
- (5) The property line adjustment will not interfere with any public or private easement; and
- (6) Proposed property line adjustments which result in changing the orientation of a lot, such as creating a new front, shall be reviewed as a land partition or a replat.

**11.625 Final Approval.** Following approval by the Director and City Surveyor, the applicant shall:

- (1) Record appropriate document(s) with the County Clerk;
- (2) When required by the City Surveyor, file a survey in accordance with ORS 209.250 with the County Surveyor;
- (3) Provide a copy of the site plan and legal description or map of survey to the County Assessor.

**11.630 Appeal.** Appeals of the Director's decision shall be made within 10 days of approval in accordance with Sections 10.405 to 10.450 (Appeals).

[Added by Ordinance 95-9, enacted September 5, 1995]

## LAND PARTITIONING

**11.705 General Provisions for Partitions.** Persons desiring to partition land are encouraged to contact the City Planning Department prior to making application. The Department shall provide information pertaining to the requirements of this ordinance, as well as other information having a direct influence on the proposed partition.

Land partitioning shall be subject to the procedures and requirements set forth in this Chapter and those of Chapter 14, Development Standards.

[Amended by Ordinance 97-7, enacted April 7, 1997]

### 11.710 Application Procedure.

- (1) Applications for land partitions shall be submitted to the Planning Department on forms prescribed by the Department. The application shall include the following:
  - a. Name and address of property contract holder or purchaser, the applicant if not the owner and authorized agent.
  - b. Existing land use and surrounding development patterns.
  - c. Proposed land use.
  - d. Comprehensive plan and zone designation(s) of the subject property.
  - e. Approximate distance from the boundaries of the subject tract to utility lines, including both water and sewer, that could serve the development.
  - f. Use and purpose of any easements located or to be located within the partition, if any.
  - g. Purpose and description of any land areas or improvements other than utilities, set aside for public use or common use of persons residing in the division, including a maintenance or property owner agreement, if any.
  - h. Copies of any proposed property or homeowner agreements, bylaws covenants and any petitions proposing to create special service districts.
  - i. Names and addresses of all property owners within 250 feet of a of

the external boundaries of the partition, as shown on the last preceding tax roll of the Klamath County Assessor.

- j. Statement of water rights, pursuant to ORS 92.120 (5).
- k. Other information determined by the Planning Director to be necessary due to the existence of special site conditions or unique circumstances.
- l. Where a partition includes the creation of a street, the application in addition to the above, shall include the following:
  - i. Description of the type of street that is proposed to serve the partition, including width, typical cross section, grades, radius or curves, proposed status (i.e. a private road, dedicated way, etc.), name ( as appropriate), relationship to existing streets in the area, projected timetable for construction of any street (refer to Chapter 14 for design standards) and the parcels to be served by such street.
  - ii. Names of owners other than the applicant upon whose land any portion of the proposed road or way would be located:
    - a. Written acknowledgement from such owner stating his willingness to either dedicate the land to the City in the case of a dedicated way or City street or execute an instrument conveying to the applicant the right to construct and maintain a private street on the owner's land.
    - b. In the case of a private street, written acknowledgement by each such owner of his knowledge that the road described in the application may not be used for legal access to any parcel of land not described in the application.
  - iii. The draft of all documents relating to establishment and maintenance of common roads, water or sewage systems, if any.

[Amended by Ordinance 97-7, enacted April 7, 1997]

- (2) Filing fee in the amount stated in Section 10.530 (1), or as amended by Council resolution. This fee does not include costs associated with filing of the original final map with the County Clerk's Office and the exact copy with the County Surveyor's office or City Public Works Department

review/inspection fees and the City Surveyor's plat review fee.

[Amended by Ordinance 97-7, enacted April 7, 1997]

- (3) Applications which are found to be incomplete or inaccurate by the Department shall be returned to the applicant with a statement of specific deficiencies to be corrected. The applicant shall have 30 days from the postmark date of the notice to resubmit a revised application. If the applicant fails to correct or complete the application within the time limit provided, it shall be denied without refund of fees.

### **11.715 Tentative Map Requirements**

- (1) Tentative Map - all applications shall be accompanied by a tentative map and shall include the following:
  - a. Information drawn clearly and legibly in black ink on 18" x 24" tracing medium suitable for diazo copying purposes.
  - b. Title block containing the word "Land Partition, "Tentative" and Planning Department file number.
  - c. Property location (Tax Lot designations from the records of the Klamath County Assessor; Township, Range, Section; Subdivision, Lot and Block).
  - d. Name and address of the registered professional land surveyor, if applicable.
  - e. Approximate courses and distances of existing property lines, proposed property lines and where approximate center line of proposed road and approximate area of each parcel.
  - f. Location of all structures and improvements, including above and below ground utilities.
  - g. Approximate location of areas within a designated floodway, floodplain or wetland and the location and direction of flow of all water courses and drainage ways.
  - h. Parcel numbers.
  - i. Date, northpoint and scale. Map shall be drawn to an appropriate engineer's scale (scale which shows the greatest detail on a single map).

- j. Locations, width and name of any existing or proposed streets, roads or easements on or abutting the partition. Easements shall be denoted by fine dotted lines and if all ready recorded, their recorded reference.
- k. Approximate direction and percentage of slope.
- l. Approximate acreage of each parcel.
- m. Major natural physical features such as steep slopes, bluffs, rock outcroppings, canyon, etc.
- n. Location and outline of existing buildings or other improvements on the property and distance from existing and proposed property lines.
- o. Statements of water rights.
- p. Name, address(es) and telephone number(s) of each owner, contract purchaser or representative of the property.
- q. Name, address and telephone number of the person preparing the tentative partition map.
- r. A vicinity map.
- s. Other information determined by the Planning Director to be necessary due to the existence of special site conditions or unique circumstances.

[Amended by Ordinance 97-7, enacted April 7, 1997]

[Amended by Ordinance 00-09, enacted May 1, 2000]

#### **11.720 Review Process - Tentative Map.**

- (1) Partitions shall be subject to an Administrative Review, pursuant to Section 10.805.
- (2) The review body may grant approval of a tentative partition map subject to reasonable conditions which are deemed necessary to ensure compliance with the City's Comprehensive Plan and Community Development Ordinance. Such conditions may include road improvements or repairs, infrastructure improvements or repairs or both, to be installed by the applicant prior to submission of the final plat or that the applicant execute a performance agreement with security for the provision of such improvement.

- (3) Within seven (7) days of a decision by the Planning Director, applicants shall be notified in writing of that action. An approval letter shall include a listing of conditions, if any. Applications which are denied shall be accompanied by findings of fact relied upon in rendering the decision. The denial of a tentative map shall only be recognized upon reapplication or appeal.

[Amended by Ordinance 97-7, enacted April 7, 1997]

- (4) Approval of the tentative map for a partition shall remain valid for twelve (12) months, within which time the final map must be prepared and submitted to the Department for review. A time extension of not more than twelve (12) additional months may be granted by the Director, for good cause, based upon a written request by the applicant. Applicants requesting further extension of time must submit a new application and tentative map, including repayment of fees.

[Amended by Ordinance 97-7, enacted April 7, 1997]

**11.723 Review Criteria.** A partition request may only be approved if it meets all applicable review criteria listed as follows:

- (1) The proposed partition is in conformance with the City Comprehensive Plan;
- (2) The proposed partition is in conformance with all applicable provision of this Ordinance and other federal, state and county ordinance and regulations;
- (3) The subject property is physically suitable for the type and proposed density of development and conforms to zoning standards;
- (4) The parcels are located and laid out to properly relate to adjoining or nearby lot or parcel lines, utilities, streets or other existing or planned facilities;
- (5) The existing sewer and water facilities and fire protection services are adequate to serve the proposed development;
- (6) Lots or parcels created through the proposed partition shall abut an improved street for the full length of the lot frontage.
- (7) The proposed partition will not conflict with legally established easements or access within or adjacent to the proposed partition; and
- (8) The proposed partition does not prohibit the extension of dedicated streets

or roads.

- (9) Emergency vehicle access is adequately addressed and complies with the Uniform Fire Code, as stated in Section 8.600.

[Added by Ordinance 97-7, enacted April 7, 1997]

[Amended by Ordinance 00-09, enacted May 1, 2000]

## 11.725 Partition - Final Approval.

- (1) Any parcel created by a partition that is forty (40) acres or less or any parcel described under the Public Land Survey System, as a quarter section, shall be surveyed and monumented. The final map shall be prepared by an Oregon Registered Land Surveyor consistent with the requirements set forth by Oregon Revised Statutes and the Klamath County Surveyor's office. Additional requirements of the final map shall include the following:

[Amended by Ordinance 95-1, enacted January 3, 1995]

- a. Final maps shall be drawn in black ink on 7 mil mylar, 18" x 24" in size with an additional 3 inch binding edge on the left side. No part of the map shall be closer than 1" to the edge.
- b. Title block containing the words "land partition".
- c. Klamath County Planning Department file number.
- d. Parcel configuration of the approved tentative map.
- e. Requirements "G" and "H" through "J" of the tentative map requirements all approximated information shall be exact on the final map.
- f. Area of each parcel in square footage or acreage.
- g. Signature lines for the Planning Director, Public Works Director, City Surveyor, owner and/or contract purchaser and County Clerk's certification. The map shall also include signature lines or other agencies or special districts designated by the Department or the Planning Commission. The lettering of the approvals, the affidavit of the surveyor and all other information shall be of such a size or type as will be clearly legible.
- h. Location of all existing improvements on the final map, including dwellings, utilities and other structures if necessary to show conformance with setbacks and other requirements of approval.
- i. Water rights recording number, if applicable (see ORS 92.120(5)).

[Amended by Ordinance 97-7, enacted April 7, 1997]

- (2) In addition to the final partition map, the applicant shall submit the following:
- a. Preliminary title report or partition guarantee issued by the title company in the name of the owner of the land which has been prepared within thirty (30) days prior to submittal of the final plat. The title report or partition guarantee shall identify all parties having any record title interest in the premises and what interest they have.
  - b. Completed water rights statement.
  - c. A copy of the existing legal description of the property along with all easements pertaining to said property.
  - d. The computation sheets showing bearings, distances, northings and eastings, coordinates, error of closure if any and the curve data of the boundary of the land partition and each parcel created within.
  - e. City Surveyors plat review fee in the amount stated in Section 10.530(1), under Final Partition or as amended by Council resolution.

[Amended by Ordinance 97-7, enacted April 7, 1997]

- (3) Partition maps which include the creation of a street shall be accompanied by:
- a. Any written certificates pertaining to improvement assurances or responsibilities such as a road maintenance agreement prepared consistent with the requirements of this ordinance.
  - b. A copy of the recorded description of any easements or right of ways, including references to benefited properties.
  - c. Verification from the project surveyor that the physical location of the street within the easement.

[Amended by Ordinance 97-7, enacted April 7, 1997]

- (4) Prior to submitting the final map to the Planning Department for signature, the applicant shall obtain the signatures of the land surveyor and other agencies and districts required as a condition of tentative map approval. In addition, all easements required for approval, that have not been shown on the final land partition map, shall have been recorded with the County Clerk's office.



- (5) The Planning Director, Public Works Director and City Surveyor shall review the final map to assure compliance with this ordinance. The Directors and City Surveyor shall sign the map, indicating approval upon finding that the final map complies with all applicable requirements, that the roads and other lands proposed for dedication are accurately described as required by Oregon statutes and that the final map substantially conforms with the approved tentative map and any conditions imposed thereon.

[Amended by Ordinance 97-7, enacted April 7, 1997]

- (6) If the Directors or City Surveyor determine that full conformity has not been made, they shall advise the applicant of the corrections or additions. Such corrections or additions shall be made by the applicant within sixty (60) days from the date of notification. Failure to make such corrections or additions shall void the tentative map.

- (7) Upon approval, the original final map and related documents shall be returned to the applicant or his agent for recordation by the County Clerk. Prior to recording, an exact autopoitive copy of the final map on 4 mil mylar and related documents shall be filed with the County Surveyor as a record of survey.

[Amended by Ordinance 97-7, enacted April 7, 1997]

- (8) Any and all improvement work shall be the responsibility of the applicant prior to submittal of a final map. The Department shall not approve the final map or issue building permits until the improvements have been completed and accepted by the applicable agency or department unless adequate bonding exists to ensure installation of the improvements, as required by Section 11.920 and 11.925 (Improvement Guarantee).

[Amended by Ordinance 97-7, enacted April 7, 1997]

- (9) The approved deeds and other documents as may be required to be recorded by the Department, shall be recorded within thirty (30) calendar days of the Department's approval.

## TENTATIVE SUBDIVISION PLAN

**11.800 Application Procedure.** A land developer shall submit a tentative plan in accordance with the provisions of Section 10.510.

**11.805 Design Standards.** The subdivision shall conform with any development plans and shall take into consideration any preliminary plans made in anticipation thereof. The subdivision shall conform with the requirements of state laws and the standards established by this Chapter.  
[Amended by Ordinance 97-7, enacted April 7, 1997]

- (1) **Streets.** The locations, width and grade of streets shall be considered in relation to existing and planned streets, topographical conditions, to public convenience and safety and to the proposed use of the land to be served by the streets. The street system shall assure an adequate traffic circulation system. Intersection angles, grades, tangents and curves shall be appropriate for the traffic to be carried and to the terrain. Where location is not shown on a development plan, the arrangement of streets in a subdivision shall either:
  - a. Provide for the continuation or appropriate projection of existing principle streets in surrounding areas; 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.** The street right of way and roadway widths shall not be less than the minimum width in feet shown in the following table:

	<b>Minimum Right of Way in Feet</b>	<b>Minimum Roadway Width in Feet</b>
Arterial	80 to 120	48 to 60
Collector Street	60	41
Local Street	60	36
Radius for Turnaround at end of Cul De Sacs	50	38

[Amended by Ordinance 00-09, enacted May 1, 2000]

- (3) **Street Lights.** Street lights shall be installed and shall be served from an underground source of supply. It shall be the developers responsibility to order and install the lights and all appurtenances to City standards.

[Amended by Ordinance 00-09, enacted May 1, 2000]

- (4) When minimum right of way is not available for construction of a street and the width is approved by the City Public Works and the Planning Departments, improvements shall be deleted in the following order: 1) center landscape median; 2) park rows; 3) auto parking lanes.
- (5) **Reserve Strips.** Reserve Strips or street plugs shall be created to control access onto any street which terminates upon any undeveloped land through which the street might logically extend. In such cases, the street shall be provided to within one foot of the boundary line of the tract with the remaining one foot being granted in fee to the City as a reserve strip. Upon approved dedication of the extension of the affected street, one foot reserve strip shall be dedicated by the City to the public use as part of said street. This dedication will be automatic and without further action by the City. This action shall also apply retroactively to all previously created reserve strips where the streets have been extended and dedicated for street purposes.
- (6) **Alignment.** All streets as far as is practical shall be in alignment with the existing streets by continuation of the center lines thereof. The staggering of street alignment resulting in "T" intersections shall wherever practical leave a minimum distance of one hundred twenty five feet (125') between the center lines of streets. This distance is subject to change, as determined by the Public Works Director.
- (7) **Future Extension of Streets.** Reserve strips and street plugs may be required to preserve the objectives of street extensions.
- (8) **Intersection Angles.** Streets shall be laid out to intersect at an angle as near to a right angle as practical, except where topography requires a lesser angle. Property lines at intersections with arterial streets shall have a minimum corner radius of twenty feet (20') and property lines at other street and alley intersections shall have a minimum corner radius adequate to allow sidewalk and utility space and a curb radius of ten feet (10').
- (9) **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 subdivision.

- (10) **Access to Subdivision.** All major means of access to a subdivision or major partition shall be from existing streets fully improved to City standards and which in judgment of the Public Works Director, have the capacity to carry all anticipated traffic from the development.
- (11) **Half Streets.** Half streets, while generally not acceptable, may be approved when essential to the reasonable development of the subdivision, 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 subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street may be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of the half streets.
- (12) **Cul De Sacs.** A cul de sac shall be as short as possible and shall have a maximum length of five hundred feet (500') and a minimum length of two hundred and fifty feet (250'). All cul de sacs shall terminate with a circular turnaround unless alternate designs for turning and reversing direction are approved by the Planning Commission.
- (13) **Street Names.** No street name shall be used which will duplicate or be confused with the names of existing streets in Klamath Falls and vicinity except for extensions of existing streets. Streets which are an extension or are in alignment with existing streets, shall have the same name as the existing street. Street names and numbers shall conform to the established pattern for the City and shall be subject to the approval of the Planning Commission.
- (14) **Grades and Curves.** Street grades shall not exceed the following (streets in steeper areas shall use curvilinear, contour oriented construction):

<u>Type of Street</u>	<u>Maximum Grade</u>	<u>Center line Radii of Curves</u>
Arterials	6%	300'
Collector Streets	10%	200'
Local Streets	10%	100'

Where existing conditions, particularly the topography, make it otherwise impractical to provide buildable lots, the Planning Commission may accept steeper grades and sharper curves. In flat areas, allowance shall be made for finished street grades having a minimum of one half (1/2) of one percent (1%).

[Amended by Ordinance 00-09, enacted May 1, 2000]

- (15) **Street Adjacent to Railroad Right of Way.** Wherever the proposed subdivision contains or is adjacent to 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 great enough to provide sufficient depth to allow screen planting along the railroad right of way.
- (16) **Sidewalks.** Sidewalks shall be installed on both sides of all streets and in any special pedestrian ways within the land development and when the Commission determines such improvements are necessary. When desirable for public convenience, a sidewalk or bikeway may be required to connect to a cul de sac or to pass through an unusually long or oddly shaped block or otherwise provide appropriate circulation. Sidewalks shall conform to the specifications provided in Exhibit N, Drawing Number 170, of Section 10.310 and bikeways shall conform to the requirements of Section 14.450 to 14.490.
- (17) **Alleys.** Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off street parking and loading facilities are made, as approved by the Planning Commission. No unpaved alleys shall be allowed in commercial or industrial districts, nor in any residential district where the slope exceeds five percent (5%). Alleys shall be paved to a minimum width of twenty feet (20').
- (18) **Blocks.** The length, width and shape of blocks shall be designed with due regard to providing buildings sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic and recognition of the limitations and opportunities of topography.
- (19) **Block Size.** Blocks shall not exceed six hundred sixty feet (660'), one eighth (1/8) of a mile, in length, except blocks adjacent to arterial streets or unless the previous adjacent layout of topographical conditions justify exception. Blocks shall have sufficient width to provide for two tiers of lots.
- (20) **Easements**
- a. **Utility lines.** Easements for sewers, water mains, electric lines or other public utilities shall be dedicated wherever necessary. The easements for water and sewer shall be a minimum of sixteen feet (16') in width, a minimum of ten feet (10') for all others.

b. **Water courses.** Where a subdivision is traversed by a watercourse 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 watercourse and such further width as will be adequate for the purposes. Streets or parkways parallel to a major watercourse may be required.

(21) **Sanitary Sewer.** Sanitary sewer shall be installed to serve each lot or parcel in a development and to connect the land development to existing city mains. Designs approved by the Public Works Director shall take into account the capacity and grade to allow for desirable extension beyond the land development.

(22) **Water Supply.** Water lines serving each building site in the land development and connecting land development to existing water mains and fire hydrants shall be installed. The design shall take into account provisions for extension beyond the land development.

(23) **Lots.** Lots shall meet the requirements of the one in which the subdivision is located.

(24) **Access.** Each lot shall abut upon a street, other than an alley, for a minimum of thirty feet (30').

[Amended by Ordinance 00-09, enacted May 1, 2000]

(25) **Through Lots.** Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet (10'), across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other disadvantageous use. Through lots with planting screens shall have a minimum average depth of one hundred ten feet (110').

(26) **Lot Side Lines.** The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lot faces.

(27) **Lot Grading.** Lot grading shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

a. Cut slopes shall not be steeper than one and one half feet (1½') horizontally to one (1') vertically.

b. Fill slopes shall not be steeper than two feet (2') horizontally to one

- foot (1') vertically.
- c. Cut slopes and fill slopes along side and rear lot lines shall be planted with ground cover and shrubs or trees or by some other method approved by the City.
- (28) **Trees.** Existing trees which would add value to the residential development or to the City of Klamath Falls as a whole, shall be preserved to the maximum extent possible. No trees shall be removed from any proposed land development until approval of the tentative plan or plan map is granted. All trees required to be retained by the Commission and so shown on the tentative plan shall be preserved and all trees so required shall be welled and protected against change of grade.
- (29) **Large Lot Subdivision.** In subdividing tracts into large lots which at some future time are likely to be resubdivided, the Planning Commission may require that the blocks shall be of a size and shape, be divided into lots and contain building site restrictions to provide for extension and opening of streets at intervals which will permit a subsequent division of each parcel into lots of smaller size.
- (30) **Land for Public Purposes.** The Planning Commission 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 knows of an intention 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.
- (31) **Exceptions - Large Scale Development.** The Planning Commission may modify the standards and requirement of this Chapter if the subdivision plat comprises a complete neighborhood unit, a large scale shopping center or a planned industrial area. The Planning Commission shall determine that such modifications are not detrimental to the public health, safety and welfare and that adequate provision is made within the development for traffic circulation, open space and other features that may be required in the public interest.
- (32) The Planning Commission may modify the standards and requirements of this Chapter where the applicant presents innovative design concepts that will assist in providing livable housing at reasonable cost. Such modifications of standards shall be made only in conformance with the intent of this Chapter and in conformance with all applicable portions of Chapters 10 to 14.



- (33) **Improvements.** Streets within land development shall be improved. Unimproved streets adjacent to land developments, which the Public Works Director determines will be used as access to the land development, shall also be improved. Catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvements, monuments shall be reestablished and protected in monument boxes at every public street intersection and all points of curvature and all points of tangent or their center lines. Street grades shall be established before any improvement construction is begun.

[Amended by Ordinance 97-28, enacted December 15, 1997]

[Amended by Ordinance 00-09, enacted May 1, 2000]

**11.810 Tentative Plan Content.** The tentative plan shall consist of the following information, described in a narrative statement and/or depicted in a diagram, whichever is appropriate. All diagrams shall be drawn on a sheet 18 x 24 inches in size or a two inch multiple thereof, but in no case shall exceed 42 inches in width at a scale of one inch equals 100 feet. The scale may be increased or decreased, but in all cases shall be in multiples of ten. All diagrams shall be dated and shall indicate scale and north arrow.

[Amended by Ordinance 97-7, enacted April 7, 1997]

(1) **Names**

- a. Name of the subdivision, which shall not duplicate or resemble the name of another subdivision in the City or Klamath County and shall be approved by the Commission. The County Surveyor Tract Number shall also be provided.
- b. Names and addresses of the owner, developer and engineer or surveyor.
- c. Names and addresses of all property owners within 500 feet of the subdivision's proposed boundaries as shown on the last preceding tax roll of the Klamath County Assessor.

(2) **Location**

- a. Vicinity map showing the subdivision's relationship to the city and major public facilities.
- b. A legal description of the subdivision.

(3) **Natural Features**

- a. Contour lines, related to an established bench mark or USGS datum and having intervals appropriate to slope grades.

- b. Water courses including their direction of flow and probable floodplain.
- c. Significant physical features such as wooded areas, wetlands, rock outcroppings and the like.

[Amended by Ordinance 97-7, enacted April 7, 1997]

**(4) Existing Conditions**

- a. Location and description of all existing streets, easements, structures, public utilities and current land uses of the subdivision area.
- b. Zoning classification of the subdivision and adjacent lands.
- c. Boundary lines of any governmental jurisdiction including special service districts within or adjacent to the subdivision.
- d. Existing drainage water runoff, calculated in accordance with provisions of either the Oregon State Highway Division Hydraulics manual or the Soil Conservation Service National Engineering Handbook. The source of the calculation method shall be identified. Such calculation may be supplemented by a registered engineer's evaluation of the applicability of the aforementioned sources.

**(5) Proposed Development**

- a. Location, width, names, approximate grades and radii of curves of proposed streets.
- b. Location, width and purpose of proposed easements.
- c. Location and approximate dimensions of areas to be subdivided as lots.

[Amended by 97-7, enacted April 7, 1997]

- d. Location and description of all proposed utility improvements, including but not limited to sanitary sewer, domestic water and storm drainage. Certification of capability and willingness to serve the subdivision from each affected utility company shall also be included.

- e. Location, dimensions and characteristics of areas proposed for public or nonresidential uses.
- f. A schedule indicating the tentative timetable of improvement construction, including initiation and completion dates.
- g. A description of the area proposed for partial recording of a final plat, if phase development and recording is contemplated. If the subdivision proposal pertains to only part of the tract owned or controlled by the subdivider, a preliminary diagrammatic plan for blocks, lots, streets, sewers and drains in the unsubdivided portion shall be submitted.
- h. Draft of proposed deed restrictions and/or covenants if any, which affect the subdivision.
- i. Projected drainage water runoff, calculated in accordance with the provisions of either the Oregon State Highway Division Hydraulics Manual or the US Soil Conservation Service National Engineering Handbook. The source of the calculation methods shall be identified. Such calculation may be supplemented by a registered engineer's evaluation of the applicability of the aforementioned sources.
- j. Location and description of street lights including pole and fixture type.

(6) **Finance and Sales**

- a. A statement describing the financing plans for all improvements.
- b. A statement describing the proposed sales program for the subdivision.

(7) **Statement of Purpose.** A statement describing how the subdivision proposal conforms with and promotes the purposes of Chapters 10 to 14.

**11.815 Review Criteria.** Prior to making a decision on the proposed tentative plan, the Commission shall analyze the following criteria and incorporated such analysis in their decision:

- (1) No tentative plan shall be approved which bears a name using a word which is the same as, similar to, or pronounced the same as a word in the name of any other subdivision in Klamath County, except the words "town", "city", "place", "court", "addition", or similar words.

- (2) The street and roads are laid out so as to conform to the plats of subdivisions and maps of partitions all ready approved for adjoining property as to width, general direction and all other respects unless the Commission determines it is in the public interest to modify the street or road pattern.
- (3) Streets for public use are dedicated without any reservation or restriction.
- (4) Streets held for private uses are clearly indicated on the tentative plan and all reservations or restrictions relating to such private streets are set forth thereon.
- (5) Streets held for private use and indicated on the tentative plan of such subdivision are approvable by the Public Works Department.
- (6) The plan contains provisions of the donation to the City of all common improvements, including but not limited to streets, parks, sewage disposal, water and geothermal supply systems, the donation of which may be made a condition of the approval of the tentative plan.
- (7) The tentative plan complies with the Comprehensive Plan and Chapters 10 to 14 and other applicable local and state regulations.
- (8) Emergency vehicle access is adequately addressed and complies with the Uniform Fire Code, as stated in Section 8.600.

[Amended by Ordinance 97-7, enacted April 7, 1997]

#### **11.820 Approval of Tentative Subdivision Plan.**

- (1) **Tentative Plan.** The Commission shall review the plan and the report of the staff. The Commission may approve the tentative plan as submitted or as modified or reject it. The Commission's decision shall be based upon, but shall not be limited to, the Comprehensive Plan and all other adopted plans supplementary to it.

Within forty five (45) days of its decision, the Commission shall forward to the Council a copy of such decision and any supporting information. The Council shall review the tentative plan, the report of the staff and the decision of the Commission and may approve, modify or reject the decision. The Planning Director shall provide the developer with written notice of the Council's action within five (5) days of such action. Such written notice shall include findings relative to the above mentioned factors.

Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision; however, approval of a tentative plan shall

be binding upon the City for the purposes of the preparation of the final plat. The City may require only such changes in the final plat as are necessary for compliance with the terms of its approval of the tentative plan.

**11.825 Manufactured Home Subdivision.** Tentative plans for manufactured home subdivisions shall also comply with the provisions of Section 14.270.  
[Amended by Ordinance 97-7, enacted April 7, 1997]

## FINAL SUBDIVISION PLATS

**11.850 Submission of the Final Plat.** Within eighteen (18) months after approval of a tentative plan pursuant to Sections 11.800 to 11.825, the developer shall cause the subdivision or any part thereof designated for partial recording under Subsection 11.810(5)g, to be surveyed and a plat prepared in conformance with the tentative plan as approved. In the case of partial recording, each phase or portion of the subdivision intended for partial recording shall be submitted within sequential and consecutive eighteen (18) month periods, commencing with the original tentative plan approval, until the entire subdivision is fully recorded. The developer shall submit the original drawing, five prints and any supplementary information to the Director. If the developer fails to submit the final plat as specified by this section for approval before the expiration of the period allowed by this section, the plan shall be void. The Director may however, extend the date of expiration up to not more than ninety (90) days upon proof from the applicant that a burden of hardship beyond the control of the applicant has prevented the timely completion of such final plat.

**11.855 Form of Final Plat.** The final plat shall be submitted in the form prescribed by the City Surveyor's Office, ORS Chapter 92 and Chapters 10 to 14 of the Community Development Ordinance. All plats and other writings made a part of such plats offered for record in the City shall be made in black India ink. The City Surveyor's Office will also accept plats using the inkjet process provided the ink/media combinations are HP cartridge #51640A, #51645A, #51629 or #1892A (UV) or Continental Imaging #JPC4M1 or JPC4M2 polyester film. The applicant shall submit a minimum four (4) mil mylar for all original and exact copies of all condominium, partition and subdivision plats. The plat shall be of such a scale and the lettering of the approvals thereof and the dedication and affidavit of the surveyor shall be of such a size or type as will be clearly legible but no part shall come nearer any edge of the sheet than one inch. The subdivision plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for subdivision plats placed upon three (3) or more sheets.  
[Amended by Ordinance 97-7, enacted April 7, 1997]

**11.860 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) **Survey Reference.** Reference points of existing survey identified, related to the plat by distances and bearings and referenced to a legal, recorded document 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, and
  - c. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of Chapters 10

to 14.

(2) **Boundary Street.** The exact location and width of streets and easements intercepting the boundary of the tract.

(3) **Boundary Lines.** Tract, and lot boundary lines, street right of way and center lines with dimensions, bearings or deflection angles and water lines for any creek or other body of water. Tract boundaries and street bearings shall be shown to the nearest one second with the basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used. Lot lines which are radial to curved streets shall be so indicated on applicable plans, plats or maps.

[Amended by Ordinance 97-7, enacted April 7, 1997]

(4) **Streets.** 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.

[Amended by Ordinance 97-7, enacted April 7, 1997]

(5) **Easements.** Easements denoted by fine dotted lines, clearly identified and if previously of record, their recorded 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 plat, it shall be properly referenced in the owner's certificates of dedication.

[Amended by Ordinance 97-7, enacted April 7, 1997]

(6) **Lot Numbers.** Lot numbers beginning with the number 1 and numbered consecutively without omission or duplication in each block, if blocks are used.

[Amended by Ordinance 97-7, enacted April 7, 1997]

(7) **Block Numbers.** If used, block numbers beginning with the number 1 and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, or of sufficient size and thickness to stand out and 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 of the original subdivision. Block numbers or letters are not used unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name that has previously used block numbers or letters, before January 1, 1992.

[Amended by Ordinance 97-7, enacted April 7, 1997]

- (8) **Dedicated Lands.** Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.
- (9) **Building Setback Lines.** Building setback lines, if any and as defined by this Ordinance, are to be made a part of the subdivision restrictions.
- (10) **Zoning.** Zoning classifications of the land.
- (11) **Certificates.** The following certificates, as illustrated in Exhibit M, as provided in Sections 10.305 to 10.315.
  - a. A certificate signed and acknowledged by all persons 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 licensees, visitors, tenants and servants.
  - c. A certificate with the seal of and signed by the surveyor responsible for the survey of the final plat.
  - d. A certificate, on the required tracing of the final plat, signed by the Klamath County Clerk and the land surveyor certifying that the tracing is a true and exact copy of the final plat.
  - e. An affidavit of post monumentation if applicable, for execution by the land surveyor responsible for the survey of the final plat.
  - f. A certificate for execution by the Director.
  - g. A certificate for execution by the Public Works Director acting in his capacity as City Engineer, including a statement that the developer has complied with the requirements of Sections 11.920 to 11.925 on improvement guarantees.
  - h. A certificate for execution by the Klamath County Treasurer.
  - i. A certificate for execution by the Klamath County Assessor.
  - j. A certificate for execution by the Mayor on behalf of the City Council.
  - k. A certificate for execution by the Klamath County Board of Commissioners.

- I. A certificate for execution by the Klamath County Clerk.

- m. A certificate for execution by any applicable special districts.

All plats of subdivisions located within the boundaries of an irrigation district, drainage district, water control district, district improvement company or similar service district, shall be submitted to the Board Directors of the district or company and its approval thereof shall be endorsed thereon by the Board before approval of such plat of any subdivision by the City Council. Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of a subdivision or partition located within the boundaries of an irrigation district, drainage district, water control district, water improvement district or district improvement company shall be approved by the City has received and accepted a certification from the district or company that the subdivision or partition is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision or partition to the fees and other charges of the district or company.

- n. Certificates of capability and intent to serve each and every lot with water and sewer service.
- o. I, (name of surveyor), hereby certify that this plat was prepared using Hewlett-Packard product (ink number) or Continental (film number) polyester film.

[Amended by Ordinance 00-09, enacted May 1, 2000]

**11.865 Supplemental Information with Plat.** The following data shall accompany the plat:

- (1) **Title Report.** A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all persons whose consent is necessary and their interest in the premises issued not more than 30 days prior to submission of the final plat.
- (2) **Survey Data Sheets.** Sheets and drawings showing the following:
  - a. Traverse data including the coordinates of the boundary of the subdivision and the ties to section corners and donation land claim corners and showing the error of closure if any.
  - b. The computation sheets showing the bearings, distances, latitudes, departures, error of closure if any and the curve data of each lot in the subdivision.

- c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners and state highway stationing.
- (3) **Deed Restrictions.** A copy of any deed restrictions applicable to the subdivision.
  - (4) **Dedication.** A copy of any dedication requiring separate documents.
  - (5) **Assessments.** A list of all assessments on the tract which have, or may become a lien on the tract.
  - (6) **Improvements.** If grading, street improvements, sewer facilities and/or water facilities are required by Chapters 10 to 14, or as the conditions of approval of the final plat, the following shall be required to be submitted with the final plat:
    - a. Plans, profiles, cross sections of the proposed streets showing width of roadways, types of surfacing, curb locations and width and location of sidewalks. Proposed streets with other than a standard symmetrical 2 percent crown section shall be submitted with a three line profile. Curb return data shall be provided for all returns.
    - b. Plan and profiles of proposed sanitary sewers with location of manholes indicated.
    - c. Plans and profiles of the proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
    - d. Specifications for the construction of all proposed utilities.
    - e. Grading plans and specifications as required for other than streets and ways.
    - f. Planting plans and specifications for street trees and other plantings in public areas.
    - g. Complete breakdowns of all quantities of all improvements and related materials, including but not limited to excavation, fill, gravel, asphalt, concrete and pipe.
  - (7) Copies of the existing recorded legal description of the property along with existing recorded easements.

[Amended by Ordinance 97-7, enacted April 7, 1997]



### 11.870 Technical Plat Review.

- (1) **Ordinance Check.** Upon receipt by the City, the plat and other data shall be reviewed by the Director and Public Works Director who shall examine them to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan and that there has been compliance with the Comprehensive Plan and Chapters 10 to 14. The number of lots may vary no more than 10% of the approved number, as shown on the Tentative Subdivision Plan.

[Amended by Ordinance 97-7, enacted April 7, 1997]

- (2) **Field Check.** The City officials may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground and they may enter the property for this purpose.
- (3) **Title Report.** Any encumbrances revealed by the preliminary title report shall be resolved to the satisfaction of the City Attorney prior to the final plat approval.
- (4) **Corrections.** If the Director and Public Works Director determine that full conformity has not been made, they shall advise the developer of the corrections or additions that must be made within said time and shall afford the developer an opportunity to make the changes or additions. Such corrections or additions shall be made by the developer within 60 days. Failure to make such corrections shall void the plat.

**11.875 Approval of the Plat.** If the Director determines that the plat conforms with the approved tentative plan and all applicable requirements, he shall give his approval which shall be indicated by his signature on the plat. The approval of the plat does not constitute or effect an acceptance by the City for maintenance of any street or other public dedications shown on the plat.

**11.880 Filing of Plat.** A developer shall without delay, submit the plat for signatures of the other public officials listed in Chapters 10 to 14. Approval of the plat shall be null and void if the plat is not recorded within 90 days after the date of the approval by the Council. After obtaining all required approvals and signatures, the developer shall file the plat and an exact copy thereof in the County Clerk's office.

- (1) No plat shall be recorded unless all ad valorem taxes and all special assessments, fees and other charges required by law have been paid which have become a lien upon the subdivision or which will become a lien during the calendar year.
- (2) At the time of filing such plat, the developer shall provide without cost, prints from such copy to the City Public Works Department, City Recorder

and others as may be required by the City Planning Department.

## **DEDICATION OF LANDS FOR PUBLIC USE**

**11.900 Application.** Any person desiring to submit land or any interest therein, other than that contained in a current subdivision or partitioning proceedings for acceptance and dedication to the City of Klamath Falls for public use, shall make written application to the Public Works Director.

Such application shall be accompanied by a deed in favor of the City of Klamath Falls covering the area in question, all material necessary to demonstrate current ownership, property boundaries, any existing legal encumbrances upon the property and any other information deemed necessary by the Public Works Director. Such a proposal shall also include a completed Consent and Dedication Certificate as provided in Subsection 10.310M (Miscellaneous Exhibits).

[Amended by Ordinance 97-7, enacted April 7, 1997]

**11.905 Procedure.** The Public Works Director shall review such material as provided under Section 11.900, to ensure completeness and accuracy and in the case of a proposed street dedication, such application shall conform to the provisions of Section 11.910. If determined adequate, the application including staff comments, shall be submitted to the Council. The Council shall accept, conditionally accept or reject such dedication by resolution.

### **11.910 Procedure for Street Acceptance and Dedication.**

- (1) Upon receipt of a written application for acceptance and dedication, the Public Works Director shall satisfy himself that the street is in compliance with the standards prescribed in Section 11.805 and with any applicable plat or map.
- (2) If the street in question does not comply with the design standards of Section 11.805 or any applicable plat or map, the Public Works Director shall refuse to accept the application expressing his reason in writing. If the street in question does comply, the Public Works Director shall refer the proposed acceptance to the Council for action under Section 11.410.

[Amended by Ordinance 97-7, enacted April 7, 1997]

## IMPROVEMENT GUARANTEE

**11.920 Agreement for Improvements.** Before the Director gives approval of a final subdivision plat or a partition map involving construction of public improvements, the developer shall install required improvements and repair existing streets and other public facilities damaged in the development of the property, subject to review and inspection by the City Public Works Department. In the alternative, the developer shall execute and file with the City Recorder, an agreement between developer and the City in the form provided by the City Attorney specifying the period in which required improvements and repairs shall be completed (not to exceed one year). Said agreement shall provide 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 amount from the developer and provide for a one (1) year warranty.

[Amended by Ordinance 97-6, enacted April 7, 1997]

### 11.925 Bond.

- (1) **Type of Security.** The developer and all others having an ownership interest in the property 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 in a form approved by the City Attorney.
  - b. Cash, certified check, time deposit certificate and/or savings account assigned to the City that unconditionally promises to pay the funds pledged upon demand by the City. Such obligation must be unaffected by the financial status of the person who provided the security.

[Amended by Ordinance 97-6, enacted April 7, 1997]

- (2) **Amount Required.** Such assurance of full and faithful performance shall be for one hundred twenty percent (120%) of the cost of the improvement and repairs as determined by the City.

[Amended by Ordinance 97-6, enacted April 7, 1997]

- (3) **Default Status.** If the developer fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting from such failure, the City shall utilize the securities listed in this subsection to recover such unreimbursed costs or expenses. If the amount of the securities exceeds the cost and expenses incurred by the City, it shall release the remained. If the amount of the securities is less than the cost and expense incurred by the City, the developer shall be liable to the City

for the difference and upon demand, pay such liability to the City within 30 days. Failure to pay or to ask for a hearing before the Council within 30 days of said demand, shall mean that said liability is in default. The Council shall by resolution, declare said liability to be a lien against the property and shall record said resolution with the Klamath County Clerk.

[Amended by Ordinance 97-6, enacted April 7, 1997]

- (4) **Warranty Bond.** Prior to City approval of a final subdivision plat or a partition map involving construction of public improvements, the developer shall deposit a warranty bond or other security in a form acceptable with the City Attorney in the sum of twenty percent (20%) of the value of the improvements to guarantee the repair or replacement of all or part of the improvements as necessary within a one year period from the date of plat or map approval as the final improvements accepted, whichever occurs last. This warranty bond shall be deposited whether or not the improvements are completed before or after final subdivision approval.

[Added by Ordinance 97-6, enacted April 7, 1997]

## DESIGN STANDARDS

**11.930 Principles of Acceptability.** A land development shall conform to all approved plans, maps and plats and it shall conform to the site and public facility design standards as established by Chapter 14 and illustrated in any applicable exhibit as provided in Sections 10.305 to 10.315.

## **LAND FOR PUBLIC PURPOSES WITHIN LAND DEVELOPMENTS**

**11.950 Reservation for Public Acquisition.** If the City has a need for reservation of a portion of a proposed land development for a public purpose or if the City has been advised of such a need by a school district or other public agency and there is reasonable assurance that steps will be taken to acquire the land, then the Commission may require that those portions of the land development be reserved for public acquisition for a period not to exceed five years.

### **11.955 Acquisition for Park and Recreation Uses**

[Repealed by Ordinance 6623, enacted June 19, 1991.]

## IMPROVEMENTS

**11.970 Improvement Procedures.** In addition to other requirements of Chapters 10 to 14, improvements installed by a developer either as a requirement of these regulations or at his own option, shall conform to the following procedure:

- (1) **Plan Approval.** Improvement work shall not be commenced until plans have been checked for adequacy and approved by the Public Works Director. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plan of a land development.
- (2) **Public Works Director Notification.** Improvement shall not commence until after the Public Works Director is notified. If the work is discontinued for any reason, it shall not be resumed until after twenty four hours notice is given to the Public Works Director.
- (3) **Inspection.** Improvements shall be constructed under the inspection and to the satisfaction of the Public Works Director. The Public Works Director may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change.
- (4) **Utilities.** Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed by the developer prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length obviating the necessity for disturbing the street improvements when service connections are made.
- (5) **As Built Plans.** A plan showing public improvements as built shall be filed with the Public Works Director upon completion of the improvements.
- (6) **Plan Changes.** Any changes in approved plans during construction shall be approved by the Public Works Director before construction may continue.

**11.975 Specification for Improvements.** The developer shall prepare specifications for design and construction of public improvements as required by Chapters 10 to 14 and such other public facilities as a developer may elect to install. Such improvements shall conform to the applicable provisions of Section 10.310 and Chapter 14. The Public Works Director shall supplement the standards provided within Chapter 14 and Section 10.310, based on engineering standards appropriate for the improvements concerned. In the event such standards do not apply to the proposed improvements, the Public Works Director shall specify engineering standards appropriate for the improvements concerned.

**11.980 Improvement in Land Developments.** The following improvements shall be installed at the expense of the developer at the time of land development and in accordance with the provisions of Section 11.810:

- (1) **Streets.** Streets within the land development and adjacent to the land development which may be used as access to the land development shall be improved in accordance with applicable City standards. Catchbasins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvement, monuments shall be reestablished and protected in monument boxes at every public street intersection and all points of curvature and points of tangency of their center lines. Street grades shall be established before any improvement construction is begun.

If appropriate to the extension of a system of bikeway routes, existing or planned, the Commission may require the installation of separate bicycle lanes within streets separate bicycle paths or similar bikeway provisions.

- (2) **Surface Drainage and Storm Sewer System**
- (3) **Sanitary Sewers**
- (4) **Water System**
- (5) **Sidewalks**
- (6) **Street Name Signs**
- (7) **Street Lights**
- (8) **Utilities.** The developer shall make necessary arrangements with utility companies or other persons affected for the installation of underground lines and facilities. Electrical lines and other wires including but not limited to communication, street lighting and cable television, shall be placed underground.
- (9) **Other.** Other utilities as elected by the developer or required by the City.

**11.985 Improvements in Partitions.** The required improvements and related standards listed in Sections 11.970 and 11.980 shall also apply to each building site of a partition. However, if the Director finds that the nature of the development in the vicinity of the partition makes installation of some improvements unreasonable, he may except those improvements.