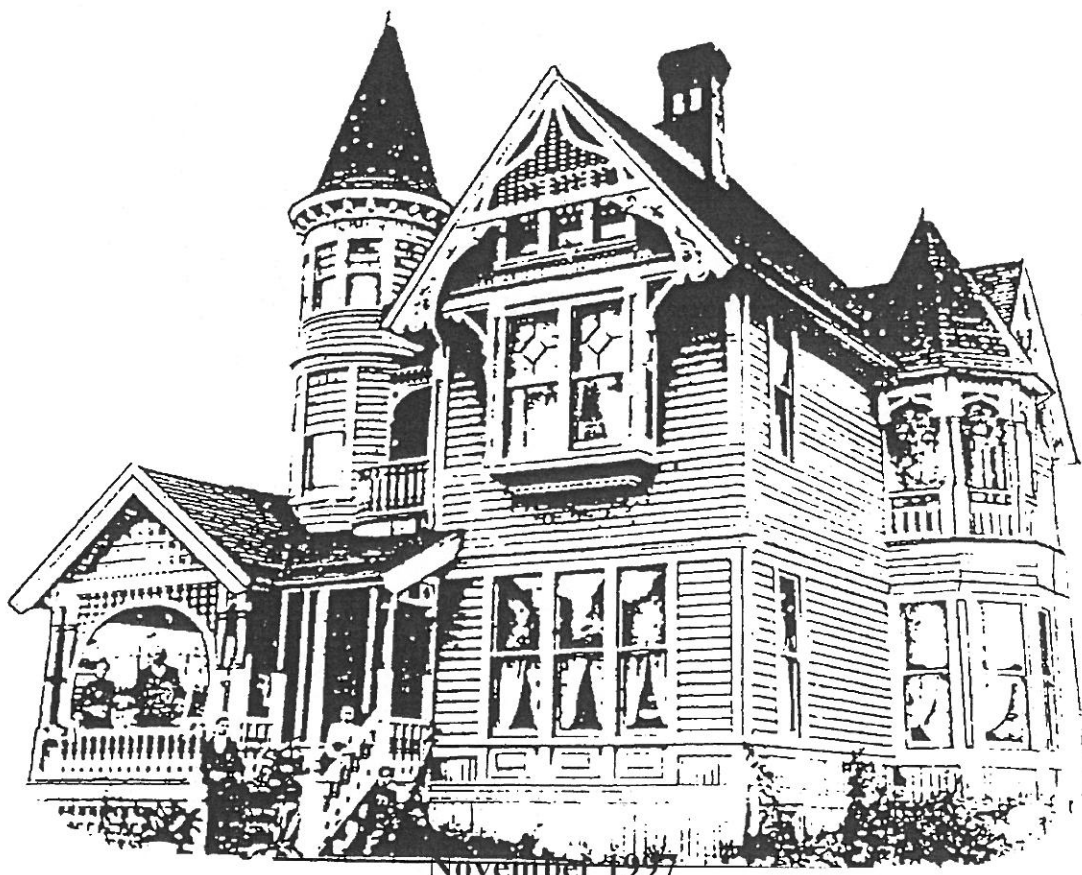


City of Drain DEVELOPMENT STANDARDS

(Includes Amendments as of November 1991)



Prepared
by
Umpqua Regional Council of Governments

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DEVELOPMENT STANDARDS DOCUMENT FOR THE CITY OF DRAIN

DEFINITIONS

As used in this development standards document, the following words and phrases shall mean:

- Development.** Any man-made change to improved or unimproved real estate, including but not limited to construction, installation or change of a building or other structure, land division, establishment or termination of a right of access, storage on the land, tree cutting, drilling and site alteration such as that due to land surface mining, dredging, grading, paving, excavation or clearing.
- Easement.** A grant of the right to use a strip of land for specific purposes.
- Land Division.** Either a subdivision or a partition.
- Land Use Code.** Chapter 9 of the codification of the City Drain's ordinances.
- Lot.** A unit of land that is created by a subdivision of land.
- (A) **Corner lot.** A lot or parcel at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135 degrees.
 - (B) **Interior lot.** A lot or parcel other than a corner lot or parcel.
 - (C) **Reversed corner lot.** A corner lot or parcel, the side street line of which is substantially a continuation of the front line of the first lot or parcel to its rear.
 - (D) **Through lot.** A lot or parcel having frontage on two parallel or approximately parallel streets other than alleys.
- Lot Line Adjustment.** The relocation of a common boundary between lots or parcels or the elimination of a common boundary between lots or parcels.
- Manufactured Home.** A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, this is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.
- Parcel.** A unit of land that is created by a partitioning of land.

- Partition.** Either an act of either partitioning land or an area or tract of land
- (A) **Major partition.** A partition which includes the creation of a street.
 - (B) **Minor partition.** A partition that does not include the creation of a street.
- Pedestrian or Bicycle Way.** A right-of-way or easement for pedestrian or bicycle traffic.
- Setback.** A setback or yard is an open space on a lot or parcel which is unobstructed from the ground upward except as otherwise provided in this document.
- Sidewalk.** A pedestrian walkway with permanent surfacing.
- Sign.** A presentation by words, letters, figures, designs, pictures, or colors that is publicly displayed to direct attention to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, a request for and or other types of public announcement. A sign includes all surfaces and structures upon which a sign may be or is painted, included, or attached.
- (A) **Sign face.** The surface of a sign structure.
 - (B) **Sign, pole or ground.** A sign, any portion of which is supported in or on the ground.
 - (C) **Sign, wall.** A sign painted or affixed to a wall.
 - (D) **Sign, window.** A sign painted or affixed to a window, or designed to be seen through the window.
- Street.** A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land and including the term "road," "highway," "land," "avenue," "alley," or similar designations.
- (A) **Alley.** A narrow street through a block primarily for vehicular access to the back or side of properties otherwise abutting on another street.
 - (B) **Arterial.** A street as may be designated in the comprehensive plan of considerable continuity which is primarily a traffic artery for intercommunication.

- (C) **Collector.** A street as may be designated in the comprehensive plan supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties.
- (D) **Cul-de-sac (dead end street).** A short street having one end open to traffic and being terminated by a vehicle turn-around.
- (E) **Half street.** A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
- (F) **Marginal access street.** A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.
- (G) **Local street.** A street intended primarily for access to abutting properties and having limited transportation functions.

SECTION 1 SCOPE OF REGULATIONS.

This document contains standards applicable to development. The development standards document is used primarily in conjunction with the land use code. If there is a conflict between a provision of this development standards document and a requirement of the land use code, or a requirement adopted under an approval procedure of the land use code, the requirement resulting from application of the land use code shall apply.

SECTION 2 REQUIRED OFF-STREET PARKING:

The following standards shall apply to all new buildings, or existing building modified where the value of the modification exceeds 50% of the value of the structure in any one year period. The value of the modification shall be determined by the building official based upon the Uniform Building Code. The value of the existing structure shall be the most recent assessed value for the building as set by the Douglas County Tax Assessor. All parking must conform to city parking design standards as to size, aisle, width, materials and landscaping. The amount of parking required for any use not specified shall be determined by the Planning Commission based on comparable uses.

All parking areas shall conform to the off-street parking standards which follow.

Off-Street Parking Standards

Use	Number of Spaces Required
Single Family Dwelling	2 spaces per unit
Manufactured Home	2 spaces per unit
Duplex	2 spaces per unit <i>check w/ DLCA</i>
Multi-Family Dwelling	1 1/4 spaces per unit for 0 or 1 bedroom, 2 spaces per unit for 2 or more bedrooms.
Retail, General Offices, and Service Establishments	1 space per 700 square feet of gross building area.
Service Establishments, Food Stores	1 space per 500 square feet of gross building area.
Restaurants, Bars	1 space per 500 square feet of serving area.
Furniture, Large Appliance	1 space per 1,000 square feet of building area.
Automotive repair	1 space per employee on the largest shift, plus one space per service bay or stall.
Light Manufacturing (enclosed wholly within a building)	1 space per worker on the largest shift, plus 1 space per every company owned vehicle based on site plus adequate.
Outside Sales, Wholesale and Retail, Storage	1 space per employee on the largest shift, plus one space for every company owned vehicle, plus one space for every 2,000 square feet of storage or sales area up to 10,000 square feet and 1 space for every 5,000 square feet thereafter for customer use, but in no case shall there be less than 5 spaces.

Typical Parking Layout

For four or more parking spaces, such spaces shall be connected to aisles, drives or aprons, etc , in such a manner as to permit and encourage automobiles to enter and exit the site driving in a forward direction and spaces requiring backing into the roadway will not be permitted. Parking spaces shall not be permitted in any required street setback area. All parking spaces and appurtenant aisles, drives, aprons, etc., shall be dust-proof, all weather surfaced, striped, and provide adequate drainage.

Typical Layout Design

Image

A 10' stall is required adjacent to fence, wall or property line. Wheel stops required when parking heads into building. The minimum turning radius is 15 ft.

All sites, regardless of other landscaping requirements, shall provide a minimum of 5% of total parking area in landscaping. The undeveloped portion of rights-of-way all either be landscaped or paved, preferably landscaped.

The landscaping shall include at least one five gallon tree for every 10 parking spaces. The remainder of the landscaping may be composed of other plant and landscaping materials, provided rock or other non-planted landscaping material is only used in conjunction with adequate planted materials.

SECTION 3 STANDARD CONDITIONS FOR HOME OCCUPATIONS:

Where authorize by this ordinance, home occupations may occupy not over 25% of the total floor area of the main floor of the dwelling which is used for the home occupation. The home occupation shall be secondary to the main use of the dwelling as a residence, no structural alterations shall be made, other than normally required, no person other than a maximum of two members of the immediate family residing in the dwelling shall be engaged in the home occupation, no window display or outside display shall be allowed, except as provided herein, no materials or equipment shall be used which will be detrimental to the residence of the dwelling or adjoining dwellings due to vibration, noise, dust, smoke, odor, or interference with radio or television reception or other factors, deliveries to or from the residence shall be limited to delivery by passenger car or pickup truck not more frequently than two trips to and from per week and no parking of customers' vehicles in a manner or frequency so as to cause disturbances or inconvenience to nearby residents or so as to necessitate off-street parking shall be allowed. Such use shall not be conducted in required off-street parking areas. No signs are allowed.

SECTION 4 STANDARD CONDITIONS FOR OUTSIDE STORAGE:

All storage yards where authorized by the Land Use Code shall meet the following conditions:

- A. The storage of all parts, equipment and materials be enclosed by a 6 foot high fence around the perimeter of the storage area. This is not meant to require fencing of sales lots for operable automobiles, trucks, tractors, boats, or trailers. Such fences shall be set back from the front property line a minimum of 20 feet and be subject to Section 11, Vision Clearance. The fence shall be constructed of: (1) solid boards, (2) masonry, (3) chain link with slats.
- B. No garbage, used materials, or junk shall be stored higher than 6 feet.
- C. Any automotive repair facility shall keep all parts and non-operative vehicles behind the fence specified in part A above. Any vehicle shall not be kept on the

premises for more than 14 days, unless awaiting parts. Any vehicle awaiting parts or repair shall be kept behind said fence if kept on the premises for more than 30 days.

SECTION 5 STANDARD CONDITIONS FOR SWIMMING POOLS:

Swimming pools shall be entirely enclosed with a fence a minimum of 4 feet tall and with self-closing mechanisms on all gates.

SECTION 6 SIGNS:

The following regulations apply to all signs erected, placed, and displayed, including painted wall signs- These regulations are intended to improve the commercial environment, atmosphere, and visual quality of the community.

Nothing in this ordinance shall restrict the placement and maintenance of public service and directional signs, traffic control signs and devices legally required signs, state and national flags, flags and banners for special occasions, or residential signs.

- A. **Residential use.** A residential use is allowed residential identification signs to identify the residents, street name and number, name of the building, or building complex name, etc.

- B. **Authorized commercial uses and authorized industrial uses** in an industrial zone. A commercial use located in any zone where it is authorized, or an industrial use located in an industrial zone is allowed signs as follows:
 - (1) Maximum sign area for any business or site is 300 square feet of sign area, or 1-1/2 square feet of sign area per line on foot of building front, whichever is smaller. Building front in this case shall mean the wall of the building that contains the main entrance of the building. Any business is allowed 35 square feet of sign area, regardless of building frontage. The maximum allowable sign area can be composed of the following combination and types of signs:
 - (a) Wall or window signs: Subject to the limitations specified in (1) above, a wall sign shall not exceed 40% of the wall minus the area of the doors and windows. A wall or window sign shall not face the same direction as a roof sign.
 - (b) Pole or ground signs: Subject to the limitations specified in (1) above, one pole or ground sign is allowed per business if the business has 100 feet of frontage on a public street. The maximum sign area (defined as one-half the total area of all sign faces) shall

be one-half square feet of sign area per foot of lot frontage on a public street. In addition, the sign shall be in a landscaped planter, the area of which is equal to one-half the total area of all sign faces. If due to location, placing the planter under the sign is impractical, the planter may be located elsewhere with the approval of the planning commission. The maximum sign height is 25 feet.

The message of such sign shall be limited to the name of the business and five additional words or symbols. A pole or ground sign may not be used with a projecting sign unless separated by 50 feet or more.

- (c) Projecting signs: Projecting signs which are attached perpendicular to a building are allowed up to a maximum area of 15 square feet. Projecting signs are not allowed with a pole or ground sign unless separated by 50 feet or more.

- C. **Prohibited signs:** The following signs are prohibited: Signs which interfere with traffic visibility or resemble traffic control signs, signs which flash, rotate, or have the appearance of movement (except time and temperature signs and traditional Barber poles), signs which are excessively bright (considering the size of the sign, the percentage brightness of the white or light colored portions of the sign, the distance to the public right-of-way, and the nature of the surrounding areas), signs mounted on the roof of a building, off-premise signs, signs on a public right-of-way, signs overhanging a public sidewalk at a height of less than 8 feet or overhanging to within 2 feet of the edge of the pavement of a public street, or at a height of less than 16 feet above a public street, neon and tube signs, banners, flags, and pennants, except as allowed herein, signs which unnecessarily block or interfere with existing signs.

SECTION 7 DESIGN STANDARDS FOR MULTIFAMILY USES

The following standards shall apply to every new multifamily use:

- (1) All garbage containers shall be screened or enclosed.
- (2) All heating and cooling units shall be screened or enclosed.
- (3) At least 25% of the area of the lot or parcel shall be landscaped and maintained.
- (4) All ground shall be used for buildings, parking and driveways, landscaping, playgrounds, similar uses for the benefit of residents, or reserved for later use.

- (5) Building units shall be staggered.
- (6) If more than 5 units are in one building, no wall shall be unbroken for the length or width of 5 units.
- (7) Lighting shall not be excessively bright and shall not shine on adjoining properties.
- (8) Natural features, including terrain and trees shall be preserved where possible.
- (9) Sidewalks shall be provided between parking areas and buildings, and between each building and any facility for use by tenants.

SECTION 8 DESIGN STANDARDS FOR SINGLE FAMILY USES:

All single family dwellings located within a residential district (except for manufactured homes located within a manufactured home subdivision or a "mobile home park") shall utilize at least two of the following design features:

- (1) Dormers;
- (2) Recessed entries;
- (3) Cupolas;
- (4) Bay or bow windows;
- (5) Attached garage;
- (6) Window shutters;
- (7) A roof with a pitch greater than nominal 3/12;
- (8) Off-sets on building face or roof (minimum 12")
- (9) Gables;
- (10) Covered porch entry;
- (11) Pillars or posts;
- (12) Eaves (minimum 6");
- (13) Tile, composition or shake roof;
- (14) Horizontal lap siding.

SECTION 10 DESIGN STANDARDS FOR MANUFACTURED HOMES:

Every Manufactured Home shall:

- (1) Be multi-sectional and enclose a space of not less than 1,000 square feet;
- (2) Have a pitched roof, except no standard shall require a slope of greater than a

- nominal three (3) feet in height for each 12 feet in width;
- (3) Be placed on firm undisturbed soil, on a backfilled foundation, and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade; continuous ribbon footings are desired; and compliance with the minimum set-up standards of the adopted Oregon Administrative Rules for Manufactured Dwellings, Chapter 918;
 - (4) Drains shall be provided around all concrete or masonry footings enclosing habitable or usable spaces located below grade. Drainage materials and systems shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system per applicable building standards;
 - (5) Have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community, or which is comparable to the predominant materials used in the residential building industry, as determined by the City Administrator;
 - (6) Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single family dwellings constructed under the state building code as defined in ORS 455.010;
 - (7) Shall have a garage or carport constructed of like materials that meet Uniform Building Code requirements; the City may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings;
 - (8) Not be sited adjacent to any structure listed on the City's register of historic resources or the National Register of Historic Landmarks and Districts.

SECTION 11 VISION CLEARANCE:

On corner lots, a vision clearance area shall be maintained in that triangular area defined by connecting the points at the intersection of two street rights-of-way with the points twenty-five feet from that intersection along the street rights-of-way of both streets. Maximum height of any structure, fence, hedge, or sight obstruction within the vision clearance area shall be 3 feet.

SECTION 12 IMPROVEMENTS IN DEVELOPMENTS:

Improvements in developments shall be installed as specified herein. All improvements shall be in conformity with the comprehensive plan and shall take into consideration any preliminary plans made in anticipation thereof. The improvements shall conform to other city policies and ordinances on improvements, Section 17 of this ordinance (Improvement Procedures), and to city specifications. For land divisions, see Section 13, Design Standards for Land Divisions also.

The improvements listed below shall be installed at the time of development at the expense of the developer or as specified otherwise. The improvements shall be according to plans approved by the city prepared by a registered civil engineer at the expense of the developer or by the city.

Where the city wishes to have oversized facilities installed above that normally required by the city to serve the development, the costs of these facilities shall be borne by the city or by an improvement district. Where costs of oversizing are to be borne by the city, the city engineer shall determine the cost for oversizing the facility above the cost for the size that would otherwise be required by the city engineer. If such oversizing is for the benefit of neighboring properties, the city council may require that the costs of oversizing be paid back to the city at such time as the benefitting property owners use the facility.

Generally, off-site improvements required to serve the development shall be provided by the developer, except where specified otherwise. In partitions, off-site improvements shall not normally be required. In subdivisions, all off site improvements necessary to serve the development shall be required. For building development, off-site sewer, water, or drainage improvements necessary to serve the development shall be required and off-site street, curb, gutter, and sidewalk improvements shall be required to ensure adequate access to the development.

For required facilities or improvements, if the area outside the development to be directly served by the facility and improvement has reached a state of development to justify the installation or improvement at the time, the planning commission may recommend to the city council construction as an assessment project with such arrangement with the developer as is desirable to assure financing the developer's share of the construction.

Easements for sewers, drainage, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. Such easements shall be minimum of 10 feet in width and centered on rear or side lot lines except for tie-back easements which shall be six feet wide by 20 feet long along lot side lines

- A. **Water.** Waterlines and laterals and fire hydrants serving each lot in a subdivision or serving a building development requiring water supply shall connect to a city water main and be installed to city standards, except as provided in "1" below. Prior to approval of any such connection or approval of a partition, the city shall determine if the treatment and transmission system is adequate to provide water for domestic purposes and meet minimum fire flow requirements for anticipated

usage. If the system is not adequate, the connection to the system shall not be approved. Any connection must comply with the City of Drain Public Improvements Code and must be performed to city standards. The city's review of the design of the system shall take into account provisions for extension beyond the development and to adequately grid the system.

Exceptions to the above are:

- (1) Development of existing lots or parcels which are outside of the city limits but inside of the urban growth boundary (as adopted in the comprehensive plan) and within 200 feet from an adequate waterline shall apply for a permit to connect to the city water system. Connection is not required for development of existing lots or parcels outside of the city limits but inside of the urban growth boundary (as adopted in the comprehensive plan) which are in excess of 200 feet from an adequate waterline; however, the water supply system must be approved by the Department of Environmental Quality. Annexation, or a binding agreement between the city and the landowner which must be transferred with ownership of the land and specifies that annexation is required immediately upon completion of the development, shall be a prerequisite to connection to the city water system for property outside of the city limits but inside the urban growth boundary.

- B. **Sewer.** All new construction requiring sewage disposal, all property with existing structures, which property is located within 100 feet of an adequate sewer line, and all lots of a subdivision shall be connected to the city sewer system except as provided in (1) and (2) below. Prior to approval of any such connection to the municipal system or approval of a partition, the city shall determine if the treatment and collection system is adequate to process the waste from anticipated usage. If any part of the system is unable to accommodate the waste, the connection to the system shall not be allowed. Any connection must be performed in accordance with the city public improvements code. The design, as approved by the city, shall take into account the capacity and grade to allow for desirable extension beyond the development and shall extend to the limits of development to allow extension.

Exceptions to the above are:

- (1) Industrial uses may provide alternative waste disposal methods or may be required to provide alternative waste disposal methods if their waste will upset the functioning of the treatment system. Any such alternate waste disposal system must be approved by the City Council, and must meet state and federal requirements.

- (2) Development of existing lots or parcels which are outside of the city limits but inside of the urban growth boundary (as adopted in the comprehensive plan) and within 200 feet from an adequate sewer line shall connect to the city sewer system. Connection is not required for development of existing lots or parcels outside of the city limits but inside of the urban growth boundary (as adopted in the comprehensive plan) which are in excess of 200 feet from an adequate sewer line, however, the sewage disposal system must be approved by the Department of Environmental Quality. Annexation, or a binding agreement between the City and the landowner which must be transferred with ownership of the land and specifies that annexation is required immediately upon completion of the development, shall be a prerequisite to connection to the city sewer system for property outside of the city limits but inside the urban growth boundary.

- C. **Surface Drainage and Storm Sewer System.** Drainage facilities shall be provided within and for the full width of all developments as directed by the City. Surface drainage shall not be for a distance in excess of 400 feet. Design of drainage within a development, as approved by the City, shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the development and to allow extension of the system to serve other properties. Underground storm sewer systems shall be used for drainage within the development except as noted herein. For subdivisions, and where needed to ensure adequate drainage of building sites in partitions, drainage shall be connected to drainage ways or storm sewers outside the subdivision or partition. For development other than subdivision, where public drainage facilities would be difficult to install due to a lack of a drainage system in the area, the Planning Commission may agree to waive the construction of such facilities if the applicant enters into an agreement with the City consenting to future improvements and is in compliance with all other requirements of this standards document and the Public Improvements Code. If a development is traversed by an open water course such as a drainage way, channel or stream, there shall be a storm water easement or drainage right-of-way conforming to the width of such water course necessary to carry the flood waters as specified in city specifications, and such further width as will be adequate for this purpose. Streets or access ways, parallel to such watercourses, may be required. All underground drainage ways shall have an easement of at least 12 feet.

When drainage is by ditch, it shall be the duty of the abutting property owners to keep the ditch open and free of obstructions. It shall be unlawful to discard grass clippings, trash, or other debris into said ditches.

It shall be unlawful to interfere with the free flow of water into said ditches by

placing drainage pipes in the ditches and covering over said ditches, except at specified and approved driveway approaches.

D. Curbs, Gutters, and Sidewalks. All development shall install curbs, gutters, and sidewalks to city specifications in the city right-of-way except as in (1) through (4) below.

- (1) Sidewalks are not required on local and collector industrial streets
- (2) Sidewalks may be allowed on only one side of a street on a residential collector or local street where the Planning Commission finds that installation of sidewalks on both sides of a block is impractical due to terrain.
- (3) Sidewalks are required on only one side of local residential streets.
- (4) Where the location and grade of the curb, gutter, and/or sidewalk cannot be practically determined for a partition or for construction, a waiver may be signed for such improvements stating they will be installed upon demand by the city, or shall deposit with the city an amount estimated to be the actual cost of the installation.

Sidewalks shall be a minimum of four feet wide in all residential and industrial areas and shall match adjacent sidewalk width or be a minimum of six feet in commercial areas. Any special pedestrian way within the development shall be constructed of concrete or asphalt.

E. Streets. The following shall be improved to city standards: Existing or proposed public streets, including alleys, (1) within a partition or subdivision or adjacent to a development; (2) adjacent but only partially within a partition or subdivision; and (3) off site improvements necessary to serve a subdivision. For development other than subdividing, the applicant may enter into an agreement with the city consenting to improvements. The location, width and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, to the proposed use of the land to be served by such streets, and shall comply with the comprehensive plan and city specifications. Where location is not shown in the comprehensive plan, the arrangement of streets shall either:

- (1) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
- (2) 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.

Local residential streets should generally be curved; streets in hilly terrain should generally traverse the slopes.

The Planning Commission may, however, approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions provided the following condition exists:

The establishment of the street is initiated by the Planning Commission or City Council and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.

In that case, as in the above, where approval of a street is to be without full compliance with the regulations applicable to subdivisions, a copy of the proposed deed shall be submitted to the City Administrator at least five days prior to the Planning Commission meeting at which consideration is desired. The deed and such information as may be submitted shall be reviewed by the Planning Commission and, if not in conflict with the city standard specifications, shall be approved with such conditions as are necessary to preserve these standards.

(1) Street Standards.

(a) Minimum right-of-way and roadway widths. Unless otherwise indicated on a comprehensive plan, the width of streets and roadways in feet shall be:

	Right-of-way	Pavement
Local Street	50'* or 60'	36'
Collector Street	60'	36'
Arterial Street	80'	44'
Cul-de-sac radium	50'	40'

* With 5' public utility easement adjacent to both sides of the right-of-way.

- (b) Reserve Strips. Reserve strips or street plugs controlling the access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in such cases they may be required. The control and disposal of the land composing such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.
- (c) Alignment. Wherever practical, streets shall be in alignment with existing streets by continuations of the centerlines thereof. The staggering of street alignment resulting in "T" intersections shall leave a minimum preferable distance of 200 feet between the center lines of streets having approximately the same direction, and in no case shall be less than 100 feet.
- (d) Future extension of streets. Where necessary to give access to or permit a satisfactory future division or use of adjoining land, streets shall extend to the boundary of the development, and the resulting dead end streets may be approved without a turn-around. Reserve strips including street plug may be required to preserve the objectives of street extensions.
- (e) Intersection angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practical except where topography justifies a lesser angle, but in no case less than 80 degrees, unless there is special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of tangency adjacent to the intersection unless topography justifies a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which contain an acute angle of less than 80 degrees or which include an arterial street shall have a minimum corner radius sufficient to allow for a roadway of 20 feet and maintain a uniform width between the roadway and the right-of-way line. Ordinarily, the intersection of more than two streets at any one point will not be approved.
- (f) Existing streets. Whenever existing streets adjacent to or within a tract or development are of inadequate width, additional right-of-way shall be provided at the time of land division or development.

- (g) Half Streets. Half streets will not be permitted for primary access, but may be allowed by the Planning Commission as alternative access to a subdivision.
- (h) Cul-de-sacs. Cul-de-sacs shall have a maximum length of 400 feet. Cul-de-sacs shall terminate with a circular turnaround.
- (i) Street names. No street name shall be used which will duplicate or be confused with the names of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the city and the surrounding area, street names shall be subject to the approval of the Planning Commission.
- (j) Streets adjacent to railroad right-of-way. Wherever a proposed subdivision contains or is adjacent to a railroad right-of-way, provisions shall be made 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 such streets and the railroad. Such distance shall be determined with due consideration at cross streets of the minimum distance required for approach grades for a future (2+) grade separation and to provide a depth of not less than 25 feet to allow screen planting along the railroad right-of-way.
- (k) Marginal access streets. Where a development abuts or contains an existing or proposed arterial street, the Planning Commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (1) 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. Alley intersections and sharp changes in alignment shall be avoided and the corners of necessary alley intersections shall have a radius of not less than 12 feet.
- (2) Unimproved or Sub-Standard Streets. The owner or owners of property abutting and served by unimproved or sub-standard streets may petition the City Council to contract with a private contractor for a temporary surfacing or grading to be approved by the Council, to preserve same and

make the streets passable. A special petition for this purpose may be obtained from the City Administrator.

It shall be understood that:

- (a) By the issuance of the permit, the City of Drain in no way relieves the contractor of the responsibility to protect private and public property from any damage due to his operations.
 - (b) City of Drain will assume no responsibility for drainage problems created by surfacing or grading.
 - (c) City of Drain shall assume no responsibility for maintenance of improvements done by such private contractor on petitions of abutting property owners.
 - (d) Granting of this permit does not remove from the City any authority to improve the street or alley to City specifications and assess the cost to abutting property owners.
 - (e) The City Council may grant to applicants a permit under the provisions of Sections through of this section without requiring the permit holder to bring the street or portion of the street for which the permit is granted up to the standards required for street construction by the Drain subdivision ordinance, this ordinance, and city specifications.
- (3) Maintenance of Unimproved or Substandard Streets. Maintenance of unimproved or sub-standard streets shall be limited to grader work which may be obtained by petitioning the city. The city shall quote a price to the interested property owners and when said property owners have deposited the money with the City Recorder, the work crews shall be made available to do the prescribed work as scheduling and priority of work permits.

F. Driveways. The following apply to all new driveways constructed:

- (1) In general, driveway access should minimize interruption of traffic flow and conflicting turning movement on streets. Driveways should not be provided from arterial streets unless alternative access is found to be impractical. Alternative access includes use of local streets, use of existing driveways, or joint use of driveways where use of the driveway is reserved by deeded easement. In determining the number, width and location of driveways, the following shall be examined:

- (a) Type of street, whether arterial, collector or local, with presence, number, and location of driveways most restrictive on arterials and least critical on locals.
 - (b) Amount and type of traffic generated by the use to which driveway is providing access with presence and location of driveways more restrictive as traffic and deliveries increase;
 - (c) Existence of alternative access, with use of existing driveways or access via a local street preferable to access to an arterial or collector street or a commercial use.
 - (d) Whether the driveway will be for one-way or two-way traffic;
 - (e) Reduction of impediments to smooth traffic flow and minimizing conflicting traffic flows by considering distance to other driveways, intersections, or sight obstructions, and traffic volume.
- (2) Minimum distance between driveway flares shall be 10 feet, except where existing conditions dictate otherwise.
 - (3) Maximum driveway width shall be 40 feet.
 - (4) Minimum driveway width for uses other than single family dwellings and duplexes shall be:
 - (a) One way-traffic - 12 feet
 - (b) Two-way traffic - 24 feet
 - (5) If more than one driveway is permitted per frontage, two such driveways shall be permitted, provided not less than 22 feet of straight curb separates driveways under one ownership or where practical when under separate ownerships.
 - (6) All driveways shall be designed and constructed in accordance with city specifications.
- G. **Undergrounding.** All new construction shall place power lines, cable television, street lighting, and telephone lines underground, except where the City Administrator or City Engineer determines undergrounding is impractical due to surrounding conditions.

H. Excavations and Work Done by Private Persons in Public Right-Of-Way.

- (1) Permit Required to Work in Public Right-of-Way. Except as otherwise permitted in agreements between the city and a public utility operating within the city limits no person shall oil, grade, surface, repair, reconstruct, or do any work upon a public sidewalk, street, alley, or curbing, or make excavations in a street, alley, sidewalk, or public right-of-way unless a permit has been issued for the work done by the City Administrator and is then in effect.
- (2) Excavations in Public Right-of-Way. Backfilling of trenches and excavations shall conform with the specifications outlined in the city specifications
- (3) Approval of Application by City Administrator. If the City Administrator finds the work for which a permit is applied under (1) and (3) above does not constitute a hazard to persons or property and does not interfere with maintenance or contemplated improvement work of the City, or with the public convenience, and the nature of the work and the materials to be used in connection with the work are appropriate for the purposes thereof, he shall issue the permit. The permit shall contain the conditions the City Administrator decides are appropriate and proper for the public safety and convenience or as may be in effect or adopted by the city and the time within which the work is to be done, the nature of the work, and the materials to be used in connection therewith. The permit shall have endorsed thereon the following:

"This permit is permissive only, and the work to be done shall be at the sole cost and expense of the permittee. The city is under no obligation to maintain work or make repairs thereto and the city may, at any time, interfere with the work done under this permit when it is necessary for the public convenience or if in connection with the city's maintenance, repair, and construction of streets, alleys, and sidewalks. Upon assessment for improvements done by the city, the permittee, or permittee's property, shall not be credited with any part of the cost of the work done hereunder."
- (4) Nonapplicability to City. Part 1 of this section does not apply to work done by or at the direction of the city or under contract with the city, or work done under a permit granted under any other provisions of the code.

- (5) General Policy. Streets that are improved, brought to, or developed by the city to city standards as defined herein and in city specifications, be financed by special assessment levied against the benefitted property owners. Upon improvement, development, or construction of streets or ways under the provisions of the Land Use Code to the minimum standards set forth in Section 12 of this standards document, the city shall share in the cost of the improvements, development or construction by paying for the cost of all intersections thereby improved, developed or constructed, unless otherwise agreed by action of the City Council.

I. Site Development.

- (1) Grading of all land shall conform to the following standards, unless approved by the City Engineer:
 - (a) Cut slopes shall not exceed one and one half feet horizontally to one foot vertically.
 - (b) Fill slopes shall not exceed two feet horizontally to one foot vertically.
 - (c) The character of soil used for fill shall be suitable to support the intended use of the property.
- (2) Development on slopes of 12-25% on soils which have been designated by the city as unstable shall be permitted only after a licensed civil or structural engineer or licensed geologist certifies that the activity will not create hazardous conditions.
- (3) Development on slopes in excess of 25% shall be permitted only after a licensed civil or structural engineer or licensed geologist certifies that the activity will not create hazardous conditions.
- (4) All development must conform to the City's Flood Hazard Regulations as specified in Section 9.700 to 9.785 of the Land Use Code.

J. Natural Resource Protection.

- (1) Any project with possibly significant air quality impacts shall be referred to the State of Oregon Department of Environmental Quality for a determination as to compliance with state and federal air quality standards.
- (2) Any project with possibly significant water quality impacts shall be referred to the State of Oregon Department of Environmental Quality for a

determination as to compliance with state and federal water quality standards.

- (3) Any project with possibly significant impacts to water supply shall be referred to the State of Oregon Department of Environmental Quality for a determination as to compliance with state and federal water quality standards.
- (4) Any project with possible significant noise impacts shall be referred to the State of Oregon Department of Environmental Quality for a determination as to compliance with state and federal noise standards.

K. Preservation of Natural Features.

In order to preserve the natural amenities of the city, land clearing and grading should as much as feasible, retain existing trees. Existing trees may be removed when the trunk of any tree over 6 inches in diameter measured 4 feet above the ground level is: (a) inside or within 4 feet of any proposed exterior wall; (b) in an area needed for parking or access and such area cannot be easily located elsewhere; (c) diseased, or weakened in such a manner as to cause imminent danger to persons or property; (d) adjacent to other trees which will benefit from its removal; or, (e) a threat to existing or proposed facilities.

In addition, riparian vegetation located along water courses and in the 100 year floodplain should, as much as feasible, be retained to protect the stability of the streambank and enhance and preserve the attributes of the area. Replanting where vegetation was removed may be required to aid streambank stability. All such vegetation in the floodplain shall be preserved.

L. Historic Site Protection.

- (1) When an owner applies for a development permit which development affects an historic site, the impact of the alteration the historic nature of the site and to determine if alternative for the alteration should be explored. In reviewing alterations, the following should be used as guidelines:
 - (a) Uses of buildings should be encouraged which will be compatible with the nature of the building and not require substantial alteration.
 - (b) Rehabilitation or remodeling should not destroy the distinguishing qualities of the site.

- (c) Repair of architectural features, or replacement with like design and materials, should be encouraged.

SECTION 13 LOT LINE ADJUSTMENTS

A. Generally. The lot line adjustment procedure described in this Section provides a legal mechanism for relocating or eliminating a common boundary line between abutting lots or parcels. A lot line adjustment as described in this section has the effect of replating the lots involved, necessitating the services of a licensed land surveyor.

B. Authority. Lot line adjustments shall be approved or denied by the City Council.

C. Application. A completed application for a lot line adjustment shall be filed with the City Clerk or City Recorder, along with the correct application fee as set by City Council resolution. The City shall review the application for completeness, notify the applicant within 30 days of any missing information, and give the applicant an opportunity to submit the missing information. After the application has been deemed complete by the City, it shall be scheduled for consideration at a regular City Council meeting. In accordance with State law, the City shall have 120 days to render a decision on the application after it has been deemed complete. An application for lot line adjustment shall include all of the following information:

- (1) A completed City application form containing a brief statement explaining the reason for the adjustment.
- (2) A vicinity map locating the proposed lot line adjustment in relation to adjacent land parcels and roadways. The vicinity map may be incorporated within the tentative plan.
- (3) Seven copies of a tentative plan of the proposed lot line adjustment, prepared by a licensed land surveyor, drawn to scale on good quality 18 inch by 27 inch drafting paper or mylar. The plan shall depict all affected lots and identify them by Township, Range, Section, and Tax Lot number, and show bearings and distances of both existing and proposed boundaries, parcel dimensions, and resulting areas of each parcel. In addition, the tentative plan shall show the following:
 - (a) North arrow, scale, and date;
 - (b) The names and addresses of the property owners and the surveyor

- who prepared the tentative plan;
- (c) An identifying name or title of the tentative plan;
- (d) All streets or roads, both public and private;
- (e) All existing structures with dimensions and distances from existing and proposed property lines;
- (f) Existing and proposed driveways and the location of existing utilities and easements (sewer, water, electricity, access, drainage, and any others) with appropriate dimensions;
- (g) Land or easements to be conveyed or dedicated, if any, indicating dimensions, location, purpose and affected agencies;
- (h) A notarized statement, signed and acknowledged by all parties having any record title interest in any affected units of land, consenting to the preparation and recording of the lot line adjustment. The certificate shall include legal descriptions of all adjusted lots prepared at the applicant's expense;
- (i) A signature block for use by the Mayor, County Surveyor, Board of Commissioners, and other such officials as required by law, to indicate approval of the final plat and mark the date of approval;
- (j) Any additional information made a condition of approval.

D. Standards for Approval. The lot line adjustment shall be approved if the City Council finds that:

- (1) The information required by subsection 24.030 of this section has been provided;
- (2) The design and development standards of the Comprehensive Plan, applicable land use ordinances, and the zoning district in which the adjustment is made have been met;
- (3) No additional unit of land is created;
- (4) All adjusted lots will be no more non-conforming than the original lots with respect to minimum lot area, dimensions, and building setback

requirements for the given zone;

- (5) All adjustments are within a given zone and not among differing zones;
- (6) No substandard lots shall be created;
- (7) The adjustment will not affect or impede the public right-of-way or any recorded easement;
- (8) A survey of the proposed lot line adjustment has been made by a licensed land surveyor and depicted on the tentative plan as follows:
 - (a) The survey has established monuments to mark the adjusted boundary line; and
 - (b) A survey map has been prepared that complies with ORS 209.250.
 - (i) The survey map shows all structures within ten feet of the adjusted line; and
 - (ii) The survey map has been properly filed with the County Surveyor.

E. Exceptions. The survey and monumenting requirements of subsection 24.040 (H) of this section shall not apply to:

- (1) Any resulting lot or parcel greater than ten acres;
- (2) A lot line adjustment where the property line is adjusted a distance of even width along the entire lot line; or
- (3) A lot line adjustment which has no effect other than to eliminate an existing boundary line between abutting lots or parcels under the same ownership.

F. Procedure. The following procedures shall be followed in the evaluation and approval of a proposed lot line adjustment.

- (1) **When Survey and Monuments Are Not Required.** When a survey and monuments are not required by this section for approval of a lot line adjustment (i.e. the adjustment qualifies for an exception under 24.050), the tentative plan may serve as the final plat, provided it is clearly identified as such and contains all the information required by subsection 24.030, together with any available and appropriate information from

preexisting surveys, and is neat and legible. If necessary or convenient, a final plat shall be drawn and five copies provided by the applicant. Upon finding that the proposed lot line adjustment conforms with the requirements of this section, the City Council shall approve the lot line adjustment and indicate its approval by the dated signature of the Mayor on all copies of the plat. The City shall keep one signed copy of the plat, and return the others to the applicant for filing with the County. If the City Council denies the application, it shall notify the applicant in writing of its reasons for denying the application, and shall indicate which requirements of this Section were not met. In the event of denial, the City shall keep one copy of the unsigned plat marked "DENIED", and return the others to the applicant.

- (2) **When Survey and Monuments Are Required.** When a survey and monuments are required by this section for approval of a lot line adjustment, the following shall apply:
 - (a) **Preliminary Approval.** The City Council shall notify the applicant in writing of whether the proposed lot line adjustment conforms with the requirements of this section.
 - (b) **Survey Requirements.** Within sixty days from the date of the preliminary approval, the applicant shall submit to the City Council an original and five copies of a final plat of the lots or parcels created by the lot line adjustment. The plat shall incorporate the information required by subsection 24.030 and the survey map as required by this section and State law.
 - (c) **Final Approval.** After receiving the prepared final plat of the resulting lots or parcels, the City Council shall indicate final approval of the lot line adjustment by the dated signature of the Mayor on the original and each copy of the final plat. The City Council shall also notify the applicant in writing of the final approval. The City shall keep one signed copy of the final plat, and return the original and the remaining copies to the applicant.
- (3) **Filing Requirements.** Following final plat approval by the City Council, the applicant shall submit the signed final plat to the Douglas County Surveyor, together with any required filing fee. When the plat is filed the County Surveyor shall indicate the filing information on the face of the plat. The final plat shall be approved and signed by such other County officials as State and County law requires. One copy of the final plat, signed by all required officials and bearing the book and page number of

the recording, shall be returned to the City of Elkton.

G. Recording of Final Plat and Deed. Within thirty (30) days after approval of a lot line adjustment is granted, the signed final plat and a deed of conveyance conforming to the approved lot line adjustment shall be recorded with the Douglas County Clerk.

H. Effective Date. An approved lot line adjustment shall be effective when the final plat has been signed by the Mayor, filed with the County Surveyor, and recorded with the Douglas County Clerk.

I. Prohibition of Sale. No person shall sell any adjusted lot or parcel before the lot line adjustment creating the same has been approved by the City Council, and the final plat and deed have been recorded with the Douglas County Clerk.

SECTION 15 SECURITY:

The security shall be reviewed and approved or disapproved by the City Council. The security to assure the developer's full and faithful performance thereof, shall be one of the following:

- (1) A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
 - (2) Cash deposit.
 - (3) A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond, sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
- A. Such assurance of full and faithful performance shall be for a sum recommended by the City Administrator and approved by the City Council as sufficient to cover the cost of city inspection.
 - B. In the event 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 call on the bond or security for reimbursement. In such case, if the amount of the bond or cash deposit exceeds cost and expense incurred by the City, it shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City it shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City,

the developer shall be liable to the City for the difference.

- C. After completion, the developer shall enter into an agreement with the City guaranteeing the improvement for one year from the date of acceptance by the City and providing security as specified in Nos. (1) and (2) of this section for all improvements.

SECTION 16 ACCEPTANCE:

After completion of the one year maintenance period specified in Section 10, the City Engineer or City Administrator shall give a report on the performance of the improvements to the Council. If the performance has been satisfactory, the City, Council shall accept the improvements for maintenance and release the maintenance bond or security. If the performance has been unsatisfactory, deficiencies shall be corrected by the developer or the City shall call on the bond or security for reimbursement. In such case, if the amount of the bond or security exceeds cost and expense incurred by the City, the City shall release the remainder and if the amount of the bond or security is less than the cost and expense incurred by the City, the developer shall be liable to the City for the difference.

SECTION 17 IMPROVEMENT PROCEDURES:

In addition to other requirements, improvements shall conform to the requirements of this document and improvement standards or specifications adopted by the city, and shall be installed in accordance with the following procedure after execution and acceptance by the City Council of the improvement agreement and security as per Sections 14 and 15.

- A. Improvement work shall not be commenced until plans have been checked for adequacy and signed by the City Engineer. To the extent necessary for evaluation of the partition or subdivision proposal, such plans may be required before approval of the tentative map. All such plans shall be prepared on mylar in accordance with requirements of the City.
- B. Improvement work shall not be commenced until the City has been notified in advance; and if work has been discontinued for any reason, it shall not be resumed until the City has been notified.
- C. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer or City Administrator. The City Engineer may require changes in typical sections and details if unusual conditions arise during construction to warrant such change in the public interest.
- D. Underground utilities, sanitary sewers and storm drains installed in streets by the developer shall be constructed prior to the surfacing of such streets. Stubs for

service connections for underground utilities and sanitary sewers shall be placed to such length as will eliminate the necessity for disturbing the street improvements when service connections are made.

- E. A reproducible mylar showing public improvements as built shall be filed with the City upon completion of said improvements.