

SUBDIVISION ORDINANCE
OF THE
CITY OF WILSONVILLE, OREGON

· ORDINANCE NO. 16

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ORDINANCE NO. 16

AN ORDINANCE ESTABLISHING RULES, REGULATIONS AND STANDARDS RELATING TO THE SUBDIVISION OF LANDS AND THE APPROVAL OF PLATS OF SUBDIVISIONS AND THE PARTITIONING OF LANDS WITHIN THE CITY OF WILSONVILLE, *Washington* and CLACKAMAS COUNTY, OREGON, AND ESTABLISHING PROCEDURES TO BE FOLLOWED, PURSUANT TO THE PROVISIONS OF SECTIONS 92.010 TO 92.090 OF OREGON REVISED STATUTES, AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SAID ORDINANCE.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

SECTION I. PURPOSE

The City Council of the City of Wilsonville hereby finds and deems that it is reasonably necessary in order to accomplish the orderly development of land within the corporate limits of the City of Wilsonville, and in order to promote the public health, safety and general welfare of the City, to enact this Ordinance, to be hereinafter known as the "Subdivision Ordinance of the City of Wilsonville, Oregon," in order to provide rules, regulations and standards to govern the approval of plats for subdivisions, and also the partitioning of land by creation of a street or way, to carry out the development pattern and plan of the City of Wilsonville and to promote the public health, safety and general welfare thereof, and in order to lessen congestion of streets, secure safety from fires, flood, pollution and other dangers and to provide adequate light and air, and to prevent overcrowding of land and to facilitate adequate provision for transportation, water supplies, sewage, drainage, education, recreation and other needs of the people of the City of Wilsonville, and to prescribe procedures to be followed in submitting plans and plats of subdivisions for approval by the City.

SECTION II. AUTHORIZATION OF ORDINANCE

- A. Pursuant to O.R.S. 92.010 thru 92.090, approval of plans and plats must be approved by the Planning Commission before a plat for any statutory subdivision may be filed in the county recording office for any plat within the boundaries of the City of Wilsonville.
- B. The Planning Commission shall be given all the powers and duties with respect to procedures and action on tentative and final plans and maps of subdivisions specified by law and by this Ordinance.
- C. Approval by the Planning Commission of subdivisions of land within the boundaries of the City of Wilsonville, other than statutory subdivisions, is hereby required by virtue of the authority granted to the City of Wilsonville in Oregon Revised Statutes 92.046 and 92.048.

SECTION III. DEFINITIONS

Agriculture - Shall have the same meaning as Farm Use as defined under O.R.S. 215.203 paragraph subsection 2; (a), (b), (c).

Alley - A way or thoroughfare providing a secondary means of access to private properties.

Block - A parcel of land bounded by two (2) or more streets in a subdivision.

City - The word "City" means the City of Wilsonville.

Commission - The Planning Commission of the City.

Curb Line - The line indicating the edge of the vehicular roadway within the over-all right-of-way.

Easement - The grant of a right of use across or through a block or tract.

Official Map - The map established by the council on which the planned locations, particularly of streets, are indicated with detail and exactness so as to furnish the basis for property acquisition, building restrictions, building permits, zoning or other uses, the original whereof is on file in the office of the city recorder.

Lot - A parcel or portion of land separated from other land by transfer of ownership, or by a drawing on a duly approved final plat or finished plat, for separate individual use or separate use for immediate or future building development.

Minor Partitioning - Dividing a parcel of land into one (1), two (2), or three (3) lots that are not fronted on a public right-of-way that is sixty (60) feet in width or a public right-of-way that is less than thirty (30) feet wide from the lot(s) front property line to the projected center line. Approval of any minor partitioning is required as outlined in Section VI.

Owner - An individual, association, partnership or corporation having legal or equitable title to land sought to be subdivided, other than legal title hold for purpose of security only.

Plat - Includes a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

Right-of-way - The area between boundary lines of a public way.

Roadway - The portion of a street right-of-way developed for use by vehicular traffic.

Sidewalk - A pedestrian walkway with permanent surfacing to city standards.

Shall - The term "shall" means mandatory.

Street - A right-of-way which provides access to adjacent properties for vehicular, pedestrian, public utilities and other such uses. The term "street" shall include such designations as highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, court, place or other such terms. A right-of-way twenty (20) feet or less in width shall not be recognized as a street.

Street, Half - 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.

Street, Arterial - A street used primarily for through traffic.

Street, Frontage - A minor street parallel to and adjacent to a major street providing access to abutting properties and protection from through traffic.

Street, Local - A street used exclusively for access to abutting properties.

Street, Collector - A street used to some extent for through traffic and to some extent for access to abutting properties.

Subdivide - To effect a subdivision.

Subdivider - Any owner commencing proceedings under this Ordinance to effect a subdivision of land by himself or through his lawful agent.

Subdivision - The division of land into more than three (3) tracts, lots, or parcels, except that the following division of land shall not be deemed a subdivision: A division of land for use for agricultural purposes, where each resulting lot is five (5) acres or larger in size, has a width of not less than 300 feet for the entire length between the lot front line and lot rear line, and has frontage of not less than 300 feet on a street; provided that such street has a right-of-way width of not less than sixty (60) feet.

Utilities - Any water, gas, sewer, electrical, telephone, and wire communication service and all persons, companies, and agencies supplying the same.

SECTION IV. APPLICATION PROCEDURE

- A. Pre-Application - When a land owner or subdivider decides to subdivide a parcel of land, it is recommended that he or his agent contact the Planning Commission or the City Office with a preliminary sketch of his proposed development. The Planning Commission or City Staff shall provide information regarding procedures and general information having a direct influence on the proposed development, such as elements of the Master Plan, existing and proposed state highways and county roads, and public utilities. On reaching conclusions informally as recommended, regarding the general program and objectives, the subdivider shall cause to be prepared a Preliminary Plat, together with improvement plans and other supplementary material as specified in the Preliminary Plat.
- B. Preliminary Plat Submission - The purpose of the Preliminary Plat is to present an early study of the proposed subdivision to the Planning Commission to receive its approval or recommendations for revisions before incurring the expense of exhaustive surveys and calculations. Thorough analysis of the problems at this stage will expedite approval of the final plat. The design and layout of this plan shall meet the guidelines and requirements set forth in the General Requirement Section VII of this Ordinance. The preliminary plan shall be submitted to the City Offices with the following items considered when the plan is prepared:
1. Application form completed and signed by the owner of the land or a letter of authorization signed by the owner.
 2. Preliminary subdivision fees (\$25.00 + \$1.00 per lot) shall be paid at time of submission.

3. Four (4) copies of the Preliminary Plat shall be submitted with application. Preferred paper size is 18" x 24".
4. Name of the subdivision. This name must not duplicate or resemble the name of any other subdivision in Clackamas^{Washington} County. Name may be checked through the county offices.
5. Names, addresses, and telephone numbers of the owners or subdividers, and engineer or surveyor.
6. Date, northpoint, and scale of drawing.
7. Location of the subdivision by Section, Township, and Range.
8. Legal road access to subdivision shall be indicated as City, County, or Public Roads.
9. Vicinity map showing the relationship to the nearest major highway or street.
10. Lots: Approximate dimensions of all lots, minimum lot size, and proposed lot and block numbers.
11. Gross acreage in proposed plat.
12. Proposed uses of the property, including sites, if any, for multi-family dwellings, shopping centers, churches, industries, parks, and playgrounds or other public or semi-public uses.
13. Existing uses of the property, including the location and use of all existing structures and their disposition.
14. Existing zoning of the property.
15. Water: State the source of the domestic water supply.
16. Method of sewage disposal proposed.
17. Drainage statement: Water courses on and abutting the property. Approximate location of areas subject to inundation or storm water overflow, or all areas covered by water, and the approximate location, width, and direction of flow of all water courses. Direction of drainage on proposed streets shall be indicated.
18. Ground elevations shown by contour lines at five (5) foot vertical intervals or when available two (2) foot vertical intervals.
19. Streets: Location, name, width, surface conditions, alleys, gradient, and corner curve radii shall be indicated on and abutting the tract.
20. Improvements: Statement of the subdivision improvements to be made or installed including streets, sidewalks, lighting, tree planting, and time such improvements are to be made or completed.
21. Utilities such as electrical, gas, telephone, on and abutting the tract.
22. Easements: Approximate width, location, and purpose of all existing easements on, and known easements abutting the tract.

23. Deed Restrictions: Outline of proposed deed restrictions, if any.
24. Written Statement: Information which is not practical to be shown on the maps may be shown in separate statements accompanying the Preliminary Plat.
25. If the subdivision is to be a "Planned Development" a copy of the Home Owners Association By-Laws must be submitted at the time of preliminary submission.
26. Any plat bordering a stream or river shall indicate areas subject to flooding.

C. Approval of Preliminary Plat

1. Consideration of Preliminary Plat The Planning Commission shall consider the preliminary plat and the reports of the Health Department and the City Engineer at a regular Planning Commission meeting no more than sixty (60) days after the preliminary plat application has been accepted by the city. The preliminary plat shall be approved by a majority of a quorum of the Planning Commission if the Planning Commission determines that the preliminary plat conforms in all respects to the requirements of this Ordinance.
2. Effect of Approval After such approval of the preliminary plat, the subdivider may proceed with final surveying, subdivision construction and preparation of the final plat. Approval shall be effective for a period of two (2) years, and if the final plat is not submitted to the Commission within such time, the preliminary plat shall be submitted again and the entire procedure shall be repeated for consideration of any changed conditions which may exist.

SECTION V. FINAL APPROVAL OF PLAT

- A. Submission of the Final Plat Anytime within two (2) years after tentative approval of the preliminary plat, the subdivider may have the subdivision or any part thereof surveyed and a final plat prepared in conformance with the preliminary plat as tentatively approved. When the final plat is in order, the subdivider will submit the following items to the city offices for final approval of the plat:
 1. Plat board, tracing, and five (5) blueprint copies of the plat.
 2. The signatures of owner(s), surveyor or engineer shall all be properly acknowledged by a notary public. All signatures shall be signed in India ink.
 3. Deed restrictions. A copy of all protective deed restrictions proposed for the subdivision area shall accompany the final plat.
 4. Approval of agreement certified for all required improvements as follows:
 - a. Improvements as required by this Ordinance have been completed, and a certificate of such fact

has been filed with the Planning Commission by the City Engineer; or

- b. A performance agreement and completion bond has been filed with the City Recorder in sufficient amount to insure the completion of all required improvements.

B. Review of Final Plat By Other Departments Within two (2) days after a final plat is duly submitted under Section V of this Ordinance, the Secretary of the Planning Commission shall distribute copies thereof to the Health Department and the City Engineer for their review. Not more than four (4) days thereafter they shall return the copies to the Planning Office together with any comments or information they deem necessary for the public benefit.

C. Approval of Final Plat.

1. Consideration of Final Plat The Planning Commission shall consider the final plat with the approved preliminary plat and the reports of the Health Department and the City Engineer at a regular Planning Commission meeting no more than sixty (60) full days after the final plat is submitted under Section V of this Ordinance. The final plat shall be approved by a majority of a quorum of the Planning Commission if the Planning Commission determines that the final plat conforms in all respects to the platting laws of the State, and to the requirements of this Ordinance and other city ordinances that may apply to this land.
2. Acknowledging Approval Such approval of the final plat shall be evidenced by the signatures thereon of the Chairman or the Secretary of the Planning Commission, with the date of such approval.
3. Effect of Approval Approval shall be effective for a period of ninety (90) days, and if the final plat is not offered for record by the subdivider in the office of the County Clerk within such time, the final plat shall be submitted again to the Planning Commission under Section IV of this Ordinance, and the entire procedure shall be repeated, for consideration of any conditions which may then exist.

D. Delivery of Final Plat to County Offices Following the approval by the Planning Commission.

1. The final plat shall be routed to the county departments as follows:
 - a. The Assessor shall receive the final plat and obtain information so that their department may research the needed requirements as well as forward identification information to the Tax Department.
 - b. Obtain on the final plat the signature of the County Surveyor, whose signature shall certify that the platting laws of this state have been complied with.
 - c. Obtain the signature on the final plat of a majority of the Board of County Commissioners

whose signatures shall certify that the plat is approved by them.

- d. Obtain the signature on the final plat of the County Tax Department if/or when all taxes on the property are paid.
 - e. Obtain on the final plat the signature of the County Assessor, whose signature shall certify that ownership is correct and prorated and collect taxes if plat is to be recorded after July 1.
 - f. After the above items have been completed, the final plat shall be delivered to the office of the County Clerk and may be recorded.
- E. Recording Final Plat In addition to the requirements authorized or provided in O.R.S. 92.120, upon offering the final plat for record the subdivider shall furnish one black line or blue print copy of the final plat to the County Assessor, the City Engineer, the County Surveyor, and the Health Department.

SECTION VI. PARTITIONING OF LAND INTO LESS THAN FOUR PARCELS

All lots that are to be created after the adoption of this Ordinance shall meet the following requirements of this City Ordinance and also other city and state laws or be in a recorded plat.

- A. Three lots may be created without submission to the Planning Commission if:
1. The public right-of-way bordering the lot or lots is at least sixty (60) feet wide or half of the street is at least thirty (30) feet from projected center line;
 2. That water, electric, telephone and other services as required by the County Health Department or City Officials serve the property that is to be split.
- B. Minor Partitioning The proposed creation of less than four (4) lots that do not meet the above road and utility service requirements shall be required to submit plans to be approved by the Planning Commission. Procedures for a minor partitioning are as follows:
1. A lot split or partitioning plan shall be presented to the Planning Commission with the following items indicated: lot dimensions, road frontage, access, natural drainage, water and sewer services and the items in Section IV Application Procedure of this Ordinance shall be considered when preparing the proposed lot split plan.
 2. The Planning Commission may approve with any additional requirements that are needed to service the subject property provided that the lots meet all requirements of the City Ordinances.
 3. The decision of the Planning Commission on any minor subdivision may be appealed to the City Council as

provided in Section XII Appeal of Planning Commission Decision of this Ordinance.

4. The approval of the minor partition by the Planning Commission shall then give the developer the guide to prepare the items needed to divide the lots. The conditions of approval by the Planning Commission shall be incorporated in the final plan. The lots in the minor partition subdivision shall be surveyed by a registered surveyor, all road deeds if necessary shall be given and approved by the City and all conditions as approved shall be met before ownership of the individual lots shall be transferred.

SECTION VII. GENERAL REQUIREMENTS

A. Streets

1. **Conformity to the Master Plan or Map:** The subdivision shall conform to and be in harmony with the Master Plan, the Official Plan or Map and especially to the Major Street Plan.
2. **Relation to Adjoining Street System**
 - a. A subdivision shall provide for the continuation of the principal streets existing in the adjoining subdivisions, or of their proper projection when adjoining property is not subdivided, and shall be of a width not less than the minimum requirements for streets set forth in these regulations. Where, in the opinion of the Planning Commission, topographic conditions make such continuation or conformity impractical exception may be made. In cases where the Planning Commission itself adopts a plan or plat of a neighborhood or area of which the subdivision is a part, the subdivision shall conform to such adopted neighborhood or area plan.
 - b. Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective future street system of the unsubmitted part shall be furnished and the street system of the part submitted shall be considered in the light of adjustments and connections with the street system of the part not submitted.
 - c. Where a tract is subdivided into lots of an acre or more, the Commission may require an arrangement of lots and streets such as to permit a later resubdivision in conformity to the street and other requirements specified in these regulations.
3. **Street Grades:** Every effort shall be made to keep major street grades to less than six percent (6%). The grades of minor streets should be less than eight percent (8%) by proper planning in relation to topography. Where topographic conditions make it unavoidable, grades in excess of eight percent (8%) for short distances may be permitted.
4. **Dead End Streets:** In general dead end or cul-de-sac streets should not be longer than twelve hundred (1,200) feet and shall terminate in a turn-around with a minimum center line radius of fifty (50) feet.

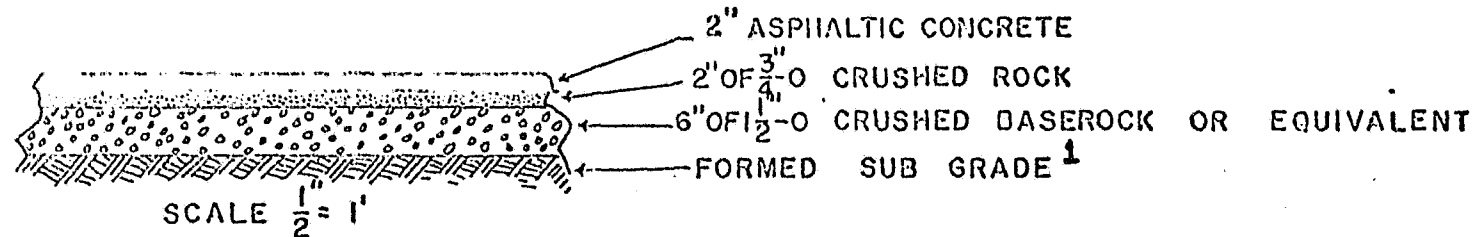
5. **Street Curves:** For major and secondary streets the minimum radius of curvature shall be three hundred (300) feet on the center line and for minor streets one hundred (100) feet except where necessary on local streets this minimum may be reduced, but to not less than seventy five (75) feet on the center line.
6. **Alleys:** The minimum width of an alley in a residential block when required shall be twenty (20) feet. Alleys may be required in the rear of all commercial districts and shall be at least twenty (20) feet wide. The corners of alley intersections shall have a radius of not less than twelve (12) feet.
7. **Creation of Easements:** The Planning Commission may approve an easement of way to be established without full compliance with these regulations provided such an easement is the only reasonable method by which a portion of a lot large enough to warrant partitioning into two (2) parcels may be provided with vehicular access and adequate utilities. If the proposed lot is large enough to partition into more than two (2) parcels, a street must be dedicated. Also, within a Planned Development cluster settlements may have easement driveways for any number of dwelling units when approved by the Planning Commission.
8. **Intersections of Streets**
 - a. **Angles:** Streets shall intersect one another at an angle as near to a right angle as is practicable considering topography of the area and previous adjacent layout; where not so practicable, the right-of-way and street paving within the acute angle shall have a minimum of thirty (30) feet centerline radius where such angle is not less than sixty (60) degrees, then of such minimum as the Planning Commission may determine in accordance with the purpose of this Ordinance.
 - b. **Offsets:** Intersections shall be so designed that no offset dangerous to the traveling public is created as a result of staggering of intersections; and in no case shall there be an offset of less than one hundred (100) feet.
9. **Topography:** The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this Ordinance.
10. **Reserve Strips:** The Planning Commission may require the subdivider to create a reserve strip controlling the access to a street, said strip to be placed under the jurisdiction of the City Council and the Planning Commission, when the Planning Commission determines that a strip is necessary:
 - a. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly subdivision of land lying beyond the street; or
 - b. To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in the table of Section VII-A-15 of this Ordinance; or

- c. To prevent access to land abutting a street of the subdivision but not within the tract or parcel of land being subdivided; or
 - d. To prevent access to land unsuitable for building development.
11. Half Streets: Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the 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 shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.
 12. Future Extension of Street: Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end street may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objective of street extension.
 13. 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. Any added width shall conform to the designated width in this Ordinance or in the Circulation Master Plan.
 14. 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 name system in the city, and shall be subject to the approval of the Planning Commission.
 15. Street Standards: See chart on next page.

15. STREET STANDARDS

<u>CLASSIFICATION OF STREETS</u>	<u>R/W WIDTH</u>	<u>PAVEMENT WIDTH</u>	<u>CURBS</u>	<u>SHOULDER WIDTH</u>
Expressways*	*	Two 24' one way travel surfaces with a 10' median	None \	8' outside lane 2' middle lane
Arterial*	80'	*	*	*
Collector	60'	40'	Yes	None
Local				
Residential	60'	40'	Yes	None
Commercial	60'	40'	Yes	None
Industrial	60'	40'	Gutters	None
Cul-de-sac residential	60'	40'	Yes	None
Dedicated turnaround - 50' radius				
Pavement turnaround - 40' radius				
Alleys	20'	18'	Gutters	None
Frontage Streets*	60'	*	Curbs or Gutters	None
Commercial & Industrial				

The cross section shown below shall be the road bed and pavement standard for streets within the City of Wilsonville



¹Formed Sub Grade shall meet specifications of the City Engineer

*To be a separate Standard Ordinance for the city

B. Blocks

1. General: The length, width, and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated, consideration of needs for convenient access, circulation, control, and safety of street traffic, and recognition of limitations and opportunities of topography.
2. Sizes: Blocks shall not exceed 1,260 feet in length, except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1,800 feet.
3. Easements:
 - a. Utility lines. Easements for sewers, drainage, water mains, electric lines or other public utilities shall be dedicated wherever necessary. Easements shall be a minimum of five (5) feet in width, and run parallel to rear and side lot lines. All utility lines shall be installed with underground services within the street and to any structures.
 - b. Water courses. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to water courses may be required.
4. Pedestrian ways. In blocks over seven hundred fifty (750) feet in length a pedestrian way with a minimum width of six (6) feet with fence or screen and pavement shall be dedicated to the public through the middle of the block when desirable for public convenience. If unusual conditions require blocks longer than one thousand two hundred and sixty (1,260) feet, two pedestrian ways may be required. When desirable for public convenience, pedestrian ways may be required to connect to cul-de-sacs or to pass through unusually shaped blocks. Long blocks parallel to arterial streets may be approved without pedestrian ways if desirable in the interests of traffic safety.
5. Tree planting. Tree planting plans for a subdivision must be submitted to the Planning Commission and receive its approval before the planting is begun.

C. Lots

1. Size and shape. The lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lots shall meet the Zoning District requirements where sewer and water services are available. Area served with public water only shall have an average unit density of not less than 20,000 square feet. Areas where no public sewer or water services are available, one acre lot sizes shall be required per lot. The lots shall have a minimum

average width of seventy (70) feet. Lots shall have an average depth of not less than ninety (90) feet and not more than two and a half times the average width. Corner lots shall have a minimum average width of seventy five (75) feet to permit appropriate building setbacks from and orientation to both streets. These minimum standards shall apply with the following exceptions:

- a. In areas that will not be served by public sewer and the soil structure is adverse to sewage disposal by septic tank, the lots also shall conform to the requirements of the County Health Department considering problems of water supply and sewage disposal.
 - b. Where property is zoned or deeded for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
 - c. All lots within Planned Developments may waive the requirements of this Ordinance and lot size, shape, and density shall conform to the Planned Development regulations.
2. Access. The subdividing of the land shall be such that each lot shall have a minimum of sixty (60) feet of frontage on a public street. This minimum frontage requirement shall apply with the following exceptions.
- a. A lot of the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than thirty five (35) feet) upon a street, measured on the arc.
 - b. The Planning Commission may in its discretion waive lot frontage requirements where in its judgment the waiver of frontage requirements will not have the effect of nullifying the intent and purpose of this regulation or if the project is developed under the Planned Development Regulation.
3. 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 casement of at least ten (10) feet and 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 twenty (120) feet.
4. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.
5. Large lot subdivision. In subdividing tracts which at some future time are likely to be re-subdivided, the

location of lot lines and other details of the layout shall be such that re-subdivision may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of buildings within future street locations shall be made a matter of record if the Planning Commission considers it necessary.

6. Building line. If special building setback lines are to be established in the subdivision, they should be shown on the subdivision plat.
7. Land for public purposes. The Planning Commission may require the reservation for public acquisition, at a cost not to exceed values in the area prior to subdivision, of appropriate areas within the subdivision for a period not to exceed one year providing the city has an interest or has been advised of interest on the part of the 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 for such acquisition.
8. Corner lots. Lots on street intersections shall have a corner radius of not less than ten (10) feet in the property line.

SECTION VIII. LOTS OF RECORD

All lots of record created prior to the adoption of this Ordinance as metes and bounds or within a recorded subdivision on file with the County Clerk's Office and which meets the Zoning Ordinance, Wilsonville, Oregon, requirements shall not need approval by the Planning Commission.

SECTION IX. IMPROVEMENTS

- A. Improvement Procedures In addition to other requirements, improvements installed by the subdivider, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Ordinance and improvement standards and specifications followed by the City. The improvements shall be installed in accordance with the following procedure:
 1. Work shall not begin until plans have been checked for adequacy and approved by the City Engineer in writing. All such plans shall be prepared in accordance with requirements of the City.
 2. Work shall not begin until the City Engineer has been notified in advance, and if work is discontinued for any reason, it shall not be resumed until the City Engineer is notified.
 3. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest.

4. Provision for all underground utilities, including sanitary sewers and storm drains, installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

B. Improvement Requirements

1. Streets. Streets within the subdivision and streets partially within the subdivision shall be graded for the entire right-of-way width, constructed and surfaced in accordance with Section VII General Requirements-A, Streets-15 Street Standards, of this Ordinance. Existing streets which abutt the subdivision shall be graded, constructed, reconstructed, surfaced, or repaired as determined by the Planning Commission with the advice of the City Engineer.
2. Curbs. Curbs shall be constructed in accordance with standards adopted by the City.
3. Sidewalks. Sidewalks shall be constructed in accordance with standards adopted by the City.
4. Sanitary sewers. When the subdivision is within two hundred (200) feet of an existing public sewer main, sanitary sewers shall be installed to serve each lot in accordance with standards adopted by the City. When the subdivision is more than two hundred (200) feet from an existing public sewer main, the Planning Commission with the advice of the City Engineer may approve an alternate sewage disposal system.
5. Drainage. Drainage of surface water shall be provided as determined by the Planning Commission with the advice of the City Engineer.
6. Underground utility and service facilities. All new utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except surface-mounted transformers, surface-mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above. The subdivider shall make all necessary arrangements with the serving utility to provide the underground services.
7. Street light standards. Street light standards shall be installed in accordance with regulations adopted by the City.
8. Street signs. Street name signs shall be installed at all street intersections and dead end signs shall be installed at the entrance to all dead end streets and cul-de-sacs in accordance with standards adopted by the City. Other signs may be required upon the recommendation of the City Engineer.
9. Monuments. Monuments shall be placed at all lot and block corners, angle points, points of curves in streets, at intermediate points and shall be of such

material, size and length as required by State Law. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced to conform to the requirements of State Law.

10. Water. Water mains and fire hydrants shall be installed to serve each lot in accordance with standards adopted by the City.

C. Improvements Assurance - A certificate shall be signed by the City Engineer certifying that the subdivider has complied with one of the following alternatives:

1. All improvements have been installed in accordance with the requirements of these regulations and with the action of the Planning Commission giving conditional approval of the Preliminary Plat, or
2. A bond satisfactory to the City Council or a certified check, equal to one and one-half times the City Engineer's estimate of the cost of such improvement, has been posted with the City to assure completion of all required improvements, or
3. Deed restriction to the effect that no lots may be sold until improvements are in, a bond satisfactory to the City Council or a certified check is posted, or other means approved by the Planning Commission giving full assurance that the improvements will be completed.
4. If at the termination of one year the work has not been completed, and no extension of time has been granted, the certified check or bond may be forfeited and the improvements constructed by the City Engineer. If the work has been completed to the satisfaction of the City Engineer, the certified check or bond shall be released.

SECTION X. REFERENCE TO AND AMENDMENT OF THIS ORDINANCE

- A. Title of Ordinance This Ordinance shall be referred to as the "Subdivision Ordinance of the City of Wilsonville, Oregon."
- B. Specific provisions Any portion or provision of this Ordinance shall be referred to by the word "Section" and the number of the Section of which it is a part, followed by the letters and numerals, separated by hypens, preceding each of such Section's subsequent breakdown of which it is a part, including parentheses, if any, and distinguishing between capital and lower case letters, and Roman and Arabic numerals. For example, the provision of this Ordinance requiring the plat board, tracing, and five (5) blueprint copies of the plat shall be submitted for final approval to the Planning Commission shall be referred to as Section V-A-1.
- C. Amendment In amending any portion or provision of this Ordinance, it shall only be necessary to set forth in full, as so amended, the smallest particular breakdown of a section being amended. Identification in the amending Ordinance of the portion or provision of this Ordinance being amended shall be by the manner of reference provided in Section X-B of this Ordinance, except that where any

breakdown of which such portion or provision is a part has a title, such title shall be included in such reference. A breakdown of a Section has a title where the letter or numeral preceding such breakdown is immediately followed by one or more underlined words not constituting a complete sentence. Such reference shall be followed by the proper designation of this Ordinance and the words "is amended to read as follows" and the full text of the provision as amended. For example, an amendment to the provision requiring that preliminary subdivision fees be changed to read: "Section IV Application Procedure-B Preliminary Plat Submission-2 Preliminary subdivision fees...of the Subdivision Ordinance of the City of Wilsonville, Oregon is amended to read as follows: (Thereafter setting forth in full the text of the provision as amended).

SECTION XI. MODIFICATION FROM REGULATIONS

- A. Authorization The Commission may authorize a modification of any requirements set forth in these standards.
- B. Basic consideration for a modification The basic reason for granting a variance will be proof that:
1. Special conditions or circumstances peculiar to the property under consideration make modification necessary.
 2. The modification is necessary for the proper development of the subdivision and the preservation of property rights and values.
 3. The modification will not at present or hereafter be detrimental to the public welfare or injurious to other properties adjacent to or in the vicinity of the proposed subdivision.
- C. Consideration for modification Consideration for a modification from these regulations shall be based upon a written statement by the subdivider in which is given complete details of conditions and reasons why a specific modification should be granted. A request for a modification from these regulations shall be filed with the Commission prior to presentation of the final plat. No modifications will be considered after a plat has been recorded.

SECTION XII. APPEAL OF PLANNING COMMISSION DECISION

- A. Appeal may be made to the City Council from any decision, determination or requirement of the Planning Commission by filing notice thereof in writing with the City Council within ten (10) days after the decision or determination or requirement is made. The notice shall set forth in detail the action and the grounds upon which the subdivider deems himself aggrieved.
- B. The City Council, following the filing of an appeal, shall set a time for a hearing on the appeal to be held within forty (40) days thereafter, and the hearing may, for good cause, be continued by order of the City Council. Upon the hearing of the appeal the City Council may overrule or modify the decision, determination, or requirement appealed

from and enter any order or orders in harmony with the spirit and purpose of these regulations and this disposition of the appeal shall be final.

SECTION XIII. SEVERABILITY

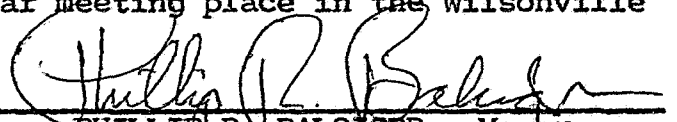
It shall be considered that it is the legislative intent, in the enactment of this Ordinance, that if any part of this Ordinance is held unconstitutional or otherwise void, all remaining provisions shall remain in force except:

- A. Remaining provisions which are so essentially and inseparably connected with and dependent upon the unconstitutional or otherwise void part that it is apparent that such remaining provisions would not have been enacted without the unconstitutional or otherwise void part; and
- B. Remaining provisions which, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

SECTION XIV. PENALTIES FOR VIOLATION

Any person who violates or fails to comply with any provisions of this Ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500 or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

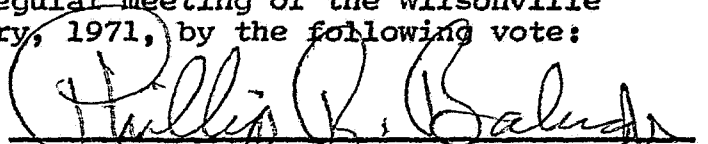
Passed on first reading at a regular meeting of the Wilsonville City Council held on the 25th day of January, 1971; ordered posted in three (3) public and conspicuous places in the City of Wilsonville for a period of five (5) consecutive days as required by the Wilsonville City Charter and to come up for final reading and action of the Wilsonville City Council at a regular meeting thereof to be held on the 8th day of February, 1971, at the hour of 7:30 o'clock p.m., Pacific Standard Time, at the Council's regular meeting place in the Wilsonville IOOF Hall.


PHILLIP R. BALSIGER - Mayor

ATTEST:


LEE RESLOCK - City Recorder

Passed on final reading at a regular meeting of the Wilsonville City Council this 8th day of February, 1971, by the following vote:
Yeas 5. Nays 0.


PHILLIP R. BALSIGER - Mayor

ATTEST:


LEE RESLOCK - City Recorder

NOTICE OF PUBLIC HEARING

A public hearing will be held by the Wilsonville City Council at 8:00 o'clock p.m., Pacific Standard Time, on Monday, February 8, 1971, at the Council's regular meeting place in the Wilsonville IOOF Hall in Wilsonville, Oregon, for the purpose of considering any objections to the adoption of SUBDIVISION ORDINANCE NO. 16, which includes restrictions and regulations on the partitioning of all land within the incorporated area of the City of Wilsonville, Clackamas and Washington Counties, Oregon.

This Notice is given pursuant to the requirements of ORS 92.048 (3).

Lee Reslock

LEE RESLOCK - City Recorder

Published in the Tigard Times once a week for two (2) consecutive weeks prior to February 8, 1971.