

ORDINANCE #118

ORDINANCE AMENDING ORDINANCE #92

dated February 13, 1979

(Ordinance No. 92, **Article 4, Section 4.02** retyped

to read as amended and passed on September, 8, 1981

This version reflects the change, in order to update the ordinance.)

AN ORDINANCE PROVIDING FOR SUBDIVISION
AND LAND PARTITIONING STANDARDS AND PROCEDURES
IN THE CITY OF JORDAN VALLEY, MALHEUR COUNTY, OREGON

THE CITY OF JORDAN VALLEY ORDAINS AS FOLLOWS:

ARTICLE I. PURPOSE AND GENERAL PROVISIONS

Section 1.01: Short Title.

This ordinance shall be known as the "Subdivision Ordinance".

Section 1.02: Purpose. The purpose of this ordinance shall be to promote the public health, safety and general welfare and to carry out portions of the Jordan Valley Comprehensive Plan.

Section 1.03: Relationship to Comprehensive Plan. A subdivision plat and major or minor partition shall take into consideration the policies of the Comprehensive Plan and its elements as adopted by the City Council.

Section 1.04: Relationship to Zoning Ordinance. A subdivision plat, and major or minor partition shall conform in all respects with applicable regulations of the zoning ordinance.

Section 1.05: Compliance.

1. No person shall subdivide land or partition land except in accordance with the provisions of this ordinance.
2. No person shall create a road or street for the purpose of partitioning an area or tract of land without the approval of the City Council.

ARTICLE II. DEFINITIONS

As used in this ordinance, unless the context shall otherwise require:

1. The singular includes the plural and the masculine includes the feminine and neuter; and
2. Words or phrases shall mean as follows:
 - a. Lot means a unit of land that is created by a subdivision of land.
 - b. Major partition means a partition, which includes the creation of a road or street.
 - c. Map means a final diagram, drawing or other writing concerning a major partition.
 - d. Minor partition means a partition that is subject to approval under this ordinance that does not include the creation of a road or street.
 - e. Parcel means a unit of land that is created by a partitioning of land.
 - f. Partition means either an act of partitioning land or an area or tract of land partitioned as defined by this section.
 - g. Partition land means to divide an area or tract of land into two or three parcels when such area or tract exists as a unit or contiguous units of land under a single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from lien foreclosures; divisions of land resulting from creation of cemetery lots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate successions; and "partition land" does not include any adjustment of a lot line by relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size established by an applicable zoning ordinance.
 - h. Plat includes a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
 - i. Road or Street means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, area or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of land for forestry, mining or agricultural purposes.
 - j. Subdivide land means to divide an area or tract of land into four or more lots when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.
 - k. Subdivision means either an act of subdividing land or an area or tract of land subdivided as defined by this section.

ARTICLE III. TENTATIVE PLAT AND FINAL PLAT PROCESURES

Section 3.01: Filing Procedure. Before a plat of a subdivision or the map of a major partition may be approved, the subdivider or partitioner, his authorized agent or representative, shall make application to the City Recorder and submit therewith 9 copies of a tentative plat, which plat shall meet the requirements of this ordinance. The tentative plat shall be submitted to the City Recorder (15) days prior to the City Council meeting at which consideration of the plan is desired.

Section 3.02: Information on Tentative Plat. The tentative plan of a proposed subdivision or major partition shall contain the following:

1. Vicinity drawing of a scale, sufficient, clearly to show the relationship of the proposal to the nearest existing road or street and to the surrounding property.
2. Location of the proposal by section, township and range.
3. Date, north point and scale of drawing.
4. Boundary lines, bearings, distances and acreage, enclosed.
5. Names, addresses and telephone numbers of: the owner of the area or tract of land; the subdivider or partitioner and the engineer or surveyor.
6. Proposed name of the subdivision or partition.
7. Roads or streets; (a) proposed name; width and location of easement of way; width of the traveled way and surface condition; and (b) statement of all reservations or restrictions relating to such roads or streets held for private use.
8. Lots; blocks; parcels; approximate dimensions of all lots, blocks or parcels and the proposed lot, block or parcel numbers and the size of such lots or parcels in square feet on acreage, whichever is applicable.
9. Easements of way: width, location and purpose of all easements of way on or abutting the tract.
10. Donations: statements of donations to public use, if any, of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water systems and the like.
11. Ground elevations; contour lines at 2-foot intervals for slopes to and including 5% at 5-foot intervals for slopes from 5 to and including 10%; and at 10-foot intervals for slopes greater than 10%.
12. Intended use of the lots or parcels; source of domestic water supply and method of sewage disposal.
13. Watercourses on or abutting the proposal, including the width and direction thereof; and areas subject to flooding or being covered with water.
14. Outline of proposed deed restrictions, if any.
15. Written statement: such of the foregoing information that reasonably could not be shown on the plan, may be shown on a written statement submitted with the plan.

Section 3.03: City Council Review and Action. Upon receipt, the City Recorder shall furnish one copy of the tentative plat to each member of the City Council and to such agencies as are known to be affected. The City Council shall hold no less than one publicly advertised hearing for comment and review of the tentative plat. Upon completion of the hearing process, the City Council may approve, conditionally approve, or disapprove the proposed subdivision or partition.

Section 3.04: Agreement for Improvement. Providing approval of the tentative plat is obtained, the subdivider or partitioner shall give assurance by agreement in writing, to the City Council that he will execute the full and faithful completion of all roads, streets, and other improvements in the proposed subdivision or partition and shall provide therewith at the discretion of the City Council.

1. A surety bond, executed by a surety company authorized to do business in the state; or
2. A personal bond co-signed by at least one other person; or
3. A sum of cash. Such agreement of full and faithful completion shall be for a sum determined by the City Council sufficient to cover the cost of improvements, including city expense incident thereto; and

Should the subdivider or partitioner fail to carry out the terms of such agreement within a period of 2 years from the date of approval of the tentative plat and the city has unreimbursed expenses resulting from such failure, the City Council shall call on the bonds or cash for reimbursement.

Section 3.05: Subdivision of Final Plat. Within (2) years after approval of the tentative plat, the subdivider or partitioner shall cause the subdivision or partition to be surveyed and a final plat prepared and submitted to the City Council for consideration. The final plat of the subdivision shall contain essentially the same information as the tentative plat thereof and shall be made, filed and recorded in accordance with state law if approved by City Council.

ARTICLE IV. STANDARDS AND REQUIREMENTS
SUBDIVISIONS AND PARTITIONS

Section 4.01: Standards for Roads and Streets.

1. Subdivisions and major partitions shall provide for the continuation of the major and secondary streets existing in adjoining subdivisions, partitions, or public roadways.
2. The subdivision or partitioning of land shall provide each parcel, by means of a public or private road or street, satisfactory vehicular access.
3. The right-of-way, surface widths, and construction standards of public streets shall conform to the specifications established and utilized by the City of Jordan Valley.
4. Streets shall intersect one another at an angle as near to a right angle as is practical considering the topography of the area and previous adjacent layout.
5. In general, dead end (cul-de-sac) streets in subdivisions and partitions shall not exceed one thousand feet in length and shall terminate in a turn-a-round with a minimum radius of (50) feet.

Section 4.02: Provision of Domestic Water Supply and Sanitary Sewage Disposal.

1. City domestic water and City sewage disposal systems shall be available to each lot or parcel meeting the requirements of the County Health Department and appropriate state authority.
2. Line development and extension to City domestic water and sanitary sewage systems shall be to City standards and at the City's discretion with such cost borne by the developer.

Section 4.03: Miscellaneous Standards. The following minimum standards and requirements shall apply to subdivisions and partitions:

1. Necessary drainage structures to prevent flooding.
2. Easement for utilities shall be provided along lot or parcel lines and shall have a minimum width of 10 feet. The easement mentioned may be equally divided between common lot or parcel lines.
3. The minimum lot or parcel size and the use thereupon shall be in accordance with applicable provisions of the City Zoning Ordinance.
4. Other such standards and requirements, which City Council deems necessary to protect the public health, safety and welfare.

ARTICLE V. ADMINISTRATIVE PROCEDURES

Section 5.01: Administrative Fees.

1. An application for approval of a tentative plan of subdivision shall be accompanied by an administrative fee of \$50.
2. An application for approval of a tentative plan of a major partition shall be accompanied by an administrative fee of \$25.
3. An application by a property owner to initiate an amendment to this ordinance shall be accompanied by an administrative fee of \$50.
4. An application to initiate a request for variance from the provisions of this ordinance shall be accompanied by an administrative fee of \$50.
5. The City Council shall have authority to make adjustments in the fees according to this section from time to time as it deems advisable

Section 5.02: Amendments.

1. Amendments to this ordinance may be initiated by the City Council or by a property owner.
2. A property owner may initiate an amendment by making application to the City Recorder.
3. No amendment to this ordinance shall be adopted until all hearings have been held as provided by law.

Section 5.03: Variance. The provisions for variance from the requirements of this ordinance shall be the same as the provision for variance from the requirements of the City Zoning Ordinance.

Section 5.04: Penalty. Any person violating the provisions of this ordinance shall be subject to the provisions of ORS 92.990.