

ARTICLE 7 IMPROVEMENT REQUIREMENTS

SECTION 7.100 IMPROVEMENT PROCEDURES

In addition to other requirements, public improvements and connections to public facilities installed by a developer or land divider shall conform to the requirements of this Code and all design standards and construction specifications of the City, and shall be installed in accordance with the following procedure.

- (1) Improvement work shall not be commenced until plans and specifications have been reviewed and approved by the City. To the extent necessary for evaluation of an Application, the plans may be required before approval of a Site Plan or land division Tentative Plan.
- (2) Improvement work shall not commence until after the City is notified, and if work is discontinued for more than 72 hours, for any reason, it shall not be resumed until after the City is notified.
- (3) Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in the design and construction in the public interest if unusual conditions arise during construction to warrant the change. The cost of City inspections shall be paid by the developer or land divider.
- (4) Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing, or resurfacing, of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be located to prevent the necessity for disturbing the street improvements when service connections are made.
- (5) "As-built" drawings and specifications of the installed public improvements shall be filed with the City upon completion of the improvements.
- (6) Facilities serving a land division or development may require off-site improvements to serve the proposed land division or development. The design and cost of off-site improvements shall be the responsibility of the Applicant unless the City agrees to another arrangement.
- (7) In the event the City determines it is impractical or not currently necessary to provide some of the required improvements, the City may authorize an agreement to pay for future improvements in the form of CC&R's attached to the deed of each property, or the improvements may be installed in the area under special assessment financing or other facility extension policies of the City.
- (8) In the event required off-site improvements will serve other areas or developments, the City may authorize the formation of a Limited Improvement

District or other assessment means of sharing the cost of improvements. If required improvements will, without further construction, directly serve property outside the land division, the following arrangements may be made to equitably distribute the cost:

- (a) If the area outside the land division to be directly served by City improvements has reached a state of development to justify installation at the same time as the proposed land division, the Planning Commission may recommend to the City Council that all of the construction occur as a single assessment project. A specific agreement shall be made with the land divider to assure financing the land divider's share of construction costs.
 - (b) If off-site improvements are not made a part of an assessment project, the City may reimburse the land divider an amount estimated to be a proportionate share of the cost for each connection made to the systems by property owners outside of the land division for a period of ten years from the time of installation of the improvements. The actual amount shall be determined by the Planning Commission at the time of approval of the Plat, considering current construction costs.
- (9) The City may limit or restrict land divisions or development where facility deficiencies cannot be corrected or improved to fulfill the proposed need or the Applicant refuses to provide the needed improvements.

SECTION 7.200 SPECIFICATIONS FOR IMPROVEMENTS

The design and construction standards of the City of Corvallis have been adopted by the City of Adair Village in **Article 8** although they may not address each situation. The developer or land divider shall prepare and submit to the City for review and approval, plans and specifications in compliance with this Code and other applicable City ordinances. Where specific City standards are lacking, the plans and specifications shall comply with the intent of this Code based upon engineering standards appropriate for the improvements proposed. Specifications shall be prepared for the design and construction of all required public improvements and such other public facilities the developer installs.

SECTION 7.300 REQUIRED IMPROVEMENTS

The following improvements shall be installed to serve each building site and each property in a subdivision or partition at the expense of the developer or land divider. However, if the Planning Commission finds that conditions make installation of some improvements unnecessary at the time of development or land division of the property, the Planning Commission may defer those improvements by requesting a deed CC&R agreement to pay for future improvements benefiting the property. In lieu of deferring an improvement, the Planning Commission may recommend to the City Council that the improvement be installed in the area under special assessment financing or other facility extension policies of the City.

- (1) **Streets:** Public or private streets, adjacent to, or within the development or land division shall be improved. Curbs, gutters and catch basins shall be installed and connected to drainage tile leading to storm sewers or drainage ways. Upon completion of the street improvement, monuments shall be re-established and protected.
- (2) **Railroad Crossings:** Where an adjacent development results in a need to install or improve a railroad crossing, the cost for such improvements shall be born by the developer or land divider unless an equitable means of cost distribution is approved by the City.
- (3) **Street Name Signs:** Street name signs shall be installed at all street intersections to City standards.
- (4) **Street Lights:** Street lights shall be installed and shall be served from an underground utility.
- (5) **Traffic Signals:** Where a proposed intersection will result in the need for street signals to serve the increased traffic generated by the proposed development, they shall be provided by the developer or land divider and the costs shall be born by the developer or land divider unless an equitable means of cost distribution is approved by the City.
- (6) **Mail Boxes:** Joint mail boxes may be provided in residential developments. Joint mail box structures shall be placed adjacent to roadway curbs as directed by the Post Office having jurisdiction and shall be noted on the Site Plan. The cost shall be born by the developer or land divider.
- (7) **Surface Drainage and Storm Sewer System:** Drainage facilities shall be installed to serve the development or land division, provide for extension beyond the property, and connect to drainage ways or storm sewers outside the property. Improvements shall be based upon approved design plans to accommodate the capacity, grade and controls necessary to maintain unrestricted flow from areas draining through the property and shall provide improvements to the drainage system beyond the property where required.
 - (a) It is the obligation of the property owner to provide proper drainage and protect all runoff and drainage ways from disruption or contamination. On-site drainage is required and downstream improvements may be required to accommodate flows. The Owner shall provide proper drainage and shall not direct drainage across another property except within a continuous drainageway. Maintaining proper drainage is a continuing obligation of the property owner.
 - (b) Upstream flows shall be accommodated and downstream flows must limit impacts on downstream properties. There shall be no increased impacts from the proposed development on the Bower Slough drainage system.

- (c) Site drainage design shall limit off-site impacts to those that would occur from vacant land. Roof drains, paving and catch basin out-flows shall require detention facilities and/or other discharge controls. All storm drains shall be connected to the detention pond inlet piping. This system must be engineered by the Applicant utilizing the "ODOT Rationale Method" to control runoff rates that may be expected in a 10 year, 24 hour return storm event and approved by the City.
 - (d) All drainage plans, calculations and work sheets shall be reviewed and approved by the City Engineer prior to issuance of a Building Permit.
 - (e) A Wetlands Delineation and Mitigation Plan shall be required for identified wetlands and shall be provided by the Applicant prior to building permit approval.
 - 1. No development shall be permitted within designated wetlands unless a permit has been acquired from DSL and any other regulatory agency having jurisdiction.
 - 2. The City shall not provide sewer service to any new structures or development which would encroach upon or adversely affect any designated wetlands within the City Limits or Urban Growth Boundary.
- (8) **Sanitary Sewers:** Sanitary sewers shall be installed to serve the development or land division, provide for extension beyond the property and to connect the property to existing mains. Connection to City mains may entail installation of pump stations and larger mains to serve the proposed development at the developer's or land divider's expense. System design shall provide increased size and grades to accommodate extension of the system beyond the property or land division. If required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the following arrangements will be made to equitably distribute the cost:
- (a) If the area outside the property to be directly served by the sewer line has reached a state of development to justify sewer installation at the same time as the proposed development or land division, the Planning Commission may recommend to the City Council that all of the construction occur as a single assessment project. A specific agreement shall be made with the developer or land divider to assure financing of their share of construction costs.
 - (b) If the installation is not made as an assessment project, the City may elect to reimburse the developer or land divider an amount estimated to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the development or land division for a period of ten years from the time of installation of the sewers. The actual amount shall be as determined by the City at the time of approval of the development or Plat, considering current construction costs.

- (c) In the event it is impractical to connect the development or land division to the City sewer system, the City may authorize the use of on-site wastewater systems if the property area and soil characteristics are adequate. An agreement to pay for future improvements and connections shall be provided in the form of CC&R's attached to the deed of each property.
- (9) **Water System:** A water system shall be installed to serve the development or land division, provide for extension beyond the property, and to connect the system to existing mains. All land divisions or new developments shall connect to the City water system. Fire hydrants, mains and related appurtenances shall be installed by the developer as required by the City. Off-site improvements including over sizing and alignments may be required at the developer's expense if required to adequately serve the property and lands beyond the proposed development.
- (10) **Sidewalks:** Sidewalks are required on both sides of a public street and in any pedestrian way extending through a development or land division, except that in the case of primary or secondary arterials, or special type industrial districts, the Planning Commission may approve a development or land division without sidewalks if alternative pedestrian routes are available.
- (11) **Bicycle Routes:** If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of separate bicycle lanes within streets or separate bicycle paths.
- (12) **Utilities:** The developer shall make necessary arrangements with serving utility companies for the installation of underground lines and facilities.

SECTION 7.400 PUBLIC USE DEDICATIONS

- (1) Within or adjacent to a residential subdivision, a parcel of land of not less than six percent of the gross area of the subdivision shall be set aside and dedicated to the public by the subdivider for park use. The parcel shall be approved by the Planning Commission as being suitable and adaptable for park and recreation uses. In the event no such area is suitable for park and recreation purposes, the subdivider shall, in lieu of setting aside land, pay into a public land acquisition fund a sum of money equal to \$1,000 per gross acre for each acre in the subdivision. The sums so contributed shall be used to aid in securing suitable areas for park and recreation purposes to serve the area containing the subdivision. If the nature of the subdivision is such that over 34 per cent of the tract to be subdivided is being dedicated to the public for streets, the requirements of this section shall be reduced so that the total obligation of the subdivider does not exceed 40 per cent.
- (2) If the City or any other public agency has an interest in acquiring a portion of a proposed land division for a public purpose not already dedicated as a condition of approval, or if the City has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the Planning Commission may require that those

portions of the land division be reserved for public acquisition. The public agency will have sixty (60) days to file Notice of Condemnation.

SECTION 7.510 AGREEMENT FOR IMPROVEMENTS

Before City approval of a development, site plan or land division, the developer or land divider shall file with the City an agreement between developer or land divider and the City, specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the developer or land divider. The agreement shall also provide for reimbursement of the City's cost of inspection in accordance with **Section 7.100 (3)**.

SECTION 7.520 SECURITY

- (1) The developer or land divider shall file with the agreement, to assure full and faithful performance thereof, one of the following:
 - (a) A surety or performance bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney; or
 - (b) A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement to the satisfaction of the City Council; or
 - (c) A cash or negotiable security deposit.
 - (d) An irrevocable letter of credit issued by a commercial bank as defined in **ORS 706.005**.
 - (e) A mutual improvement agreement or other guarantees approved by the City.
- (2) Such assurance of full and faithful performance shall be for a sum approved by the City as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspections and other costs.

SECTION 7.600 NONCOMPLIANCE PROVISIONS

- (1) If the developer or land divider fails to carry out provisions of the agreement, the City shall provide written notice to the developer or land divider and the surety specifying the details of noncompliance. Unless the City allows more time for compliance because of circumstances beyond the developer or land divider's control, within 30 days after receiving the notice, the developer or land divider or the surety shall commence compliance and proceed diligently to comply with the agreement.

- (2) If the land divider or the land divider's surety does not begin compliance within the 30 days or the additional time allowed by the City, or compliance is not completed within the time specified in granting the land division approval, the City may take the following action:
 - (a) Notify the developer or land divider and the surety of the developer or land divider's failure to perform as required by this Code and the agreement.
 - (b) Demand payment from the developer or land divider or the developer or land divider's surety for the unfulfilled obligation.
 - (c) Enter upon the site and carry out the obligation in accordance with the provisions of the approval and agreement.
 - (d) If the security for the obligation is a performance bond, notify the surety that reimbursement for City expenses for fulfillment of the obligation is due and payable to the City. If the security is a deposit of cash or other assets, appropriate as much of the deposit as is necessary to recoup City expenses.
 - (e) Void all approvals granted in reliance on the agreement.
- (3) If the bond or other required security is not sufficient to compensate the City for expenses incurred to fulfill the obligation, the amount due to the City for the obligation is a lien in favor of the City upon the entire contiguous real property of the owner of the land subject to the obligation.
- (4) The lien attaches upon the filing with the City Recorder of notice of the claim for the amount due for the fulfillment of the obligation. The notice shall demand the amount due, allege the insufficiency of the bond or other security to compensate the City fully for the expense of the fulfillment of the obligation, and allege the land divider's failure to fulfill the required obligation.
- (5) The lien may be foreclosed in the manner prescribed by law for foreclosing other liens on real property.
- (6) The remedies set forth for non-compliance are cumulative. In addition to the remedies set forth above, non-compliance by the developer or his surety with any term of a performance guarantee shall entitle the City to pursue any civil remedy permitted by law.