



# CITY OF LEBANON

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## **Lebanon Municipal Code Title 16: Development Code**

### **Article Three: Community Development and Use Standards**

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# Chapter 16.16: Public and Private Facilities

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## **Chapter 16.16: Public and Private Facilities**

### **16.16.010 INTRODUCTION**

This Chapter provides facility standards and general procedures for the review of public improvement plans (excluding transportation issues covered in previous Chapters). This Chapter implements and cross-references the City's public facility master plans (e.g., water, sanitary sewer, storm drainage, parks), and engineering design criteria and standards.

#### ***A. Purpose***

The purpose of this Chapter is to provide planning and design standards for public and private utilities.

#### ***B. When Standards Apply***

1. Unless otherwise provided, the standard specifications for construction, reconstruction, or repair of utilities, and other public improvements within the City shall be in accordance with the standards of this Chapter.
2. No development shall occur unless the facilities related to development comply with the requirements established in this Chapter, and adopted documents and guidelines designed to assure conformance of facilities to the City's standards.

#### ***C. Engineering Design Criteria, Standard Specifications and Details***

1. The design criteria, standard construction specifications and details maintained by the City Engineer, shall supplement the general design standards of this Development Code.
2. Accordingly, the City's specifications, standards, and details (e.g., the City's Public Improvement Standards, the City's Adopted Standards and Specifications for Construction, and relevant sections of the Lebanon Municipal Code) shall supplement the general design standards of this Development Code.

#### ***D. Conditions of Development Approval***

1. No development may occur unless required public and/or private facilities are in place or guaranteed, in conformance with the provisions of this Code, and/or supplemental standards as per Subsection "C" above.
2. Improvements required as a condition of development approval that involve the dedication of an interest in real property shall be roughly proportional to the impact of the development.
3. The findings in the development approval shall describe how the required improvements are related to the development and roughly proportional to the impact of the development.

## **16.16.020 DEDICATION OF PUBLIC USE AREAS**

- A.** Where a proposed park, playground, or other public use or facility shown in a Facility or Special Area Plan adopted by the City is located in a site or area proposed for a subdivision or other land use action, the City may require the dedication or reservation of an area to implement the Plan and to mitigate the impact of the proposed development.
- B.** The City may purchase or accept dedication or reservation of land within a proposed subdivision or other land use that are suitable for the development of parks, public facilities, and other public uses as noted above. However, the City is under no obligation to accept such areas offered for dedication or sale, and will determine the suitability of the proposed dedication in its sole discretion.
- C.** Adequacy of utility and infrastructure facilities is based on the standards established in the City's adopted Master Facility Plans (e.g., Storm Water and Drainage, Parks, Wastewater).

## **16.16.030 SANITARY SEWER AND WATER SERVICE IMPROVEMENTS**

### ***A. Sewers and Water Mains Required***

- 1.** Adequate sanitary sewers and water infrastructure and service shall be made available to serve each new development or redevelopment. The facilities and services must comply with the City's Sanitary Sewer Facility Plan and Water System Facility Plan, and shall comply with applicable construction specifications.
- 2.** When streets are required to be stubbed to the edge of a development, sewer and water system improvements shall also be extended with those streets.

### ***B. Over-Sizing***

The City may require as a condition of development approval that sewer, water, and other infrastructure improvements serving new development be appropriately sized to serve neighboring properties or the designated service area according to the applicable Facility Plans. Consistent with the provisions of the City's SDC ordinance, the City may partially reimburse the developer for incremental costs incurred in construction of improvements greater in capacity than required to serve the proposed development (oversizing).

### ***C. Inadequate Facilities***

Development permits and land use approval may be restricted by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by proposed infrastructure enhancements and that, if not rectified, will result in a threat to public health or safety.

## **16.16.040 STORM DRAINAGE IMPROVEMENTS**

### **A. General Provisions**

The City may grant land use approval and issue a development permit when adequate provisions for storm water and flood water runoff are or will be made available in compliance with the City's Storm Drainage Master Plan and all applicable local, state and federal standards.

### **B. Accommodation of Upstream Drainage**

Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.

### **C. Effect on Downstream Drainage**

Where there exists a known or suspected downstream drainage deficiency and the applicant cannot demonstrate that the additional runoff resulting from the development is within the capacity of an existing drainage facility, the City shall withhold approval of the development until provisions have been made for the mitigation of the deficient condition caused by the development in accordance with City standards.

### **D. Over-Sizing**

The City may require as a condition of development approval that storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Storm Drainage Master Plan or Special Area Plan. Consistent with the provisions of the City's SDC ordinance, the City may partially reimburse the developer for incremental costs involved in oversizing.

### **E. Existing Watercourse**

1. Where a proposed development is traversed by a watercourse, drainage way, channel, or stream that is proposed or required to remain in its current condition and/or function, there shall be provided to the City a storm water easement or drainage right-of-way (ROW). The easement or ROW shall include provisions for access and maintenance.
2. The easement or ROW shall conform substantially with the lines of the watercourse and additional width adequate for storm water conveyance and maintenance of the storm water conveyance to protect the public health and safety, and adjacent properties, as determined by the City Engineer.

### **F. Storm Water Release Rate**

All new site development shall maintain pre-development peak historic storm water discharge rates as per City standards. The applicant for a development proposal shall demonstrate through calculations acceptable to the City Engineer that this standard will be met by the proposed development.

## **G. Impacts of Site Development**

Site development may not adversely impact historic surface drainage patterns of surrounding properties. The City may require, as conditions of approval, specific mitigation measures and/or performance guarantees to ensure compliance with this provision.

### **16.16.050 UTILITIES**

#### **A. Placement and Installation of Utilities**

##### **1. Underground Placement**

Unless otherwise exempted by Section 16.16.050.B, all new utility lines including, but not limited to, those required for natural gas, electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets (which may be placed above ground). Temporary utility service facilities, during construction, may also be placed above ground.

##### **2. Installation**

The following additional standards apply to all new utility installation, in order to facilitate underground placement of utilities.

- a. The developer shall coordinate site improvements with the serving utility to provide the underground services. Above ground utility service facilities and equipment shall not obstruct vision clearance areas for vehicular traffic (See Section 16.12.030.H in Chapter 16.12 of this Code).
- b. All underground utilities, including sanitary sewers, storm drains and water lines installed in streets by the developer, shall be constructed prior to the surfacing of the streets.
- c. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

##### **3. City Approval for any Surface-Mounted Utility Support Facilities**

The City reserves the right to approve the location of all surface-mounted utility support facilities, subject to Department of Public Works permit.

#### **B. Exception to Underground Placement Requirement**

1. An exception to the underground placement requirement may be granted by the City Engineer due to physical constraints, such as steep topography, or existing development conditions.
2. High capacity electrical transmission lines that are infeasible to site underground are exempted from the underground placement requirement.

### **C. Provision of Utility Services to All New Residential Subdivisions**

All lots in residential subdivisions shall be provided with access to natural gas, electrical power, cable TV, and land line phone facilities provided such utilities can reasonably be made available to the site, in addition to the public utilities provided for in this Chapter.

#### **16.16.060 EASEMENTS**

##### **A. Provision**

1. The developer or applicant shall make arrangements with the City, the applicable service district, and each utility service provider for the granting and/or dedication of utility easements and/or ROWs necessary to provide full utility services to the development.
2. The City's standard width for public utility easements shall be determined by the City Engineer, considering utility line size, depth and access among other factors.

##### **B. Recordation on Plat**

As determined by the City Engineer and approved by the Linn County Surveyor, all easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities associated with a subdivision or partition shall be recorded on the final plat. See Chapters 16.21 through 16.23 of this Code for related provisions, especially *Chapter 16.22: Land Divisions (Subdivisions, Partitions), Property Line Adjustments, and Vacations*.

#### **16.16.070 CONSTRUCTION PLAN APPROVAL AND ASSURANCES**

##### **A. Prior Plan Approval and Permit Issuance**

No public improvements, including but not limited to sanitary sewers, water lines, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken until the plans have been approved by the City, permit fees paid, and a permit issued.

##### **B. Performance Guarantee**

The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See Chapters 16.21 through 16.24 of this Code for related provisions, especially *Chapter 16.22: Land Divisions (Subdivisions, Partitions), Property Line Adjustments, and Vacations*.

## **C. Bonding and Assurances**

### **1. Performance Bonds for Public Improvements**

On all projects where public improvements are required, the City shall require a bond in an amount not less than 125% or other adequate assurances as a condition of plat approval in order to guarantee the public improvements.

### **2. Release of Performance Bonds**

The bond or assurance shall be released when the City Engineer finds the completed project conforms to the conditions of approval and applicable standards, and approves the release in writing.

### **3. Improvements and Bonding**

- a. Improvements:** Before approval is certified on Final Plats or prior to issuance of a public improvement permit within existing right-of-way, the subdivider or developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision; or execute and file with the City an agreement between the City and the subdivider/developer specifying the period of time within which required improvements and repairs shall be completed.
- b. Bonding:** The subdivider shall file with the City a bond or an assurance agreement in a form approved by the City Attorney to assure installation of the necessary improvements. The agreement shall provide that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the subdivider. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions. The amount shall be for a sum determined by the City Engineer as sufficient to cover the cost of the improvements and repairs, including related City expenses. The financial instrument shall include one of the following:
  - (1)** A surety bond executed by a surety company authorized to transact business in the state of Oregon.
  - (2)** An agreement in a form approved by the City Attorney together with evidence of financial responsibility and resources of those signing the agreement sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
- c. Liability:** If the subdivider fails to carry out provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City is authorized to call on the bond or agreement for reimbursement. If the amount of the bond or agreement exceeds the cost and expenses incurred by the City, the City shall authorize release of the remainder. If the amount of the bond is less than the cost and expense incurred by the City, the subdivider shall be liable to the City for the difference.

## **16.16.080 INFRASTRUCTURE INSTALLATION**

### **A. Conformance Required**

Public and private infrastructure and site improvements installed by the developer, either as a requirement of land use approval, City regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to the City's specifications, and standards (e.g., the City's Public Improvement Standards, the City's Adopted Standards and Specifications for Construction, and relevant sections of the Lebanon Municipal Code).

### **B. Commencement of Work**

Work on public facilities shall not begin until the City has issued a construction permit.

### **C. City Inspection**

1. Public improvements shall be constructed under the inspection of the developer's engineer and observation of the City to the established specifications and standards of the City, and to the satisfaction of the City.
2. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such changes. Modifications to the approved public improvements design requested by the developer may be subject to review under Chapter 16.24: *Modifications to Approved Plans and Conditions of Approval*, in the discretion of the City Engineer.
3. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

### **D. Engineer's Certification and Record Drawings**

1. A registered civil engineer shall provide written certification in a form approved by the City that all Public improvements, workmanship, and materials comply with current and standard engineering and construction practices, conform to approved plans and conditions of approval prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance.
2. The developer shall provide required record drawings to the City as per the City's specified format(s) and number of copies.