

LAKE COUNTY  
LAND DEVELOPMENT ORDINANCE OF 1980

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LAND DEVELOPMENT ORDINANCE  
LAKE COUNTY, OREGON

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LAKE COUNTY LAND DEVELOPMENT ORDINANCE OF 1980  
LAKE COUNTY ORDINANCE NO. 10B

ARTICLE 1: INTRODUCTORY PROVISIONS

Section 1.010: TITLE. This ordinance shall be known as the Lake County Land Development Ordinance of 1980, Lake County Ordinance No. 10B, and shall be cited herein as "this ordinance."

Section 1.020: PURPOSE AND SCOPE. Pursuant to the provisions of ORS Chapter 92, this ordinance sets forth standards governing the approval of plats of subdivisions and of partitioning land necessary to carry out development patterns or plans and to promote the public health, safety and general welfare.

Section 1.030: APPLICATION. All subdivisions, partitions, planned unit developments, other land developments, and streets and roads created for the purpose of developing land within Lake County shall only be permitted as approved by the Planning Commission in accordance with these regulations.

Section 1.040: INTERPRETATION. These provisions are minimum requirements, where conditions herein imposed are less restrictive than the comparative conditions imposed by any other provision of this ordinance, resolution or regulation, or by provisions of State Statute or Administrative Regulations, then the more restrictive shall govern.

Section 1.050: TERMINOLOGY. The word "County" shall mean the County of Lake, State of Oregon. The words "County Commission" and "Board" shall mean the Board of Commissioners of Lake County. The words "Planning Commission" shall mean the County Planning Commission of the County of Lake duly appointed by the County Commission. The words "Planning Department," "County Roadmaster," "Assessor," "County Surveyor," "Tax Collector" shall mean the Planning Department, Roadmaster, Surveyor, Tax Collector, and Assessor of the County of Lake.

Section 1.060: DEFINITIONS. As used in this ordinance the following words and phrases shall mean:

- A. Access: The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
- B. Block: An area of land within a subdivision which area may be entirely bounded on all sides by streets or highways (except alleys), railroad right-of-way, undivided land or water courses.

- C. Building Line: A line on a plat indicating the limit beyond which buildings or structures may not be erected, or that distance as prescribed by this ordinance or the zoning ordinance when applicable.
- D. Comprehensive Plan: A plan adopted or approved by the Planning Commission and County Commission as a guide to the growth and improvement of the County, including amendments thereto.
- E. Contiguous: Two or more parcels or units of land under a single ownership which are not separated by an intervening parcel of land under a separate ownership, including limited access right-of-way which would deny access between the two parcels under single ownership, or parcels of land under a single ownership that are not separated by a public road, street or other right-of-way. Except that in an EFU Zone only one lot or parcel exists if: (A) A lot or parcel is contiguous to one or more lots or parcels; and (B) On July 1, 1983, greater than possessory interests are held in those contiguous lots, parcels or lots and parcels by the same person, spouses or a single partnership or business entity, separately or in tenancy in common; and (C) In an EFU Zone "Contiguous" means lots, parcels or lots and parcels that have a common boundary including but not limited to lots, parcels or lots and parcels separated only by a public road.
- F. Cross-Section: A profile of the ground surface per pendicular to the center line of a stream or valley bottom.
- G. Developer: Means any person, corporation, partnership or other legal entity who creates or proposes to create a land development, and includes any agent of a developer.
- H. Easement: A grant of the right to use a strip of land for specific purposes, where ownership of the land is not transferred.
- I. Fire Break: A break in the ground cover fuels as specified by the fire protection agency involved or Planning Commission.
- J. Flood Hazard Area: The relatively flat area or lowlands adjoining the channel of a river, stream, or watercourse, or lake or reservoir, which has been or may be covered by an intermediate regional flood.
- K. Frontage: All property fronting on one side of a street and measured along the street line, between the intersections of the boundary lines of the parcel with the street.



- L. Interest: Includes a lot or parcel, and a share, undivided interest or membership which includes the right to occupy the land overnight, and lessee's interest in land for more than three years or less than three years if the interest may be renewed under the terms of the lease for a total period more than three years. Does not include any interest in a condominium or any security interest under a land sales contract, trust deed or mortgage, and does not include divisions of land created by lien foreclosures or foreclosures of recorded contracts for the sale of real property.
- M. Land Development: Any subdivision or partition of land, or other division of land provided for in this Ordinance. The divisions of land into two or more lots, parcels or other interests for the purpose of disposition.
- N. Lot: A parcel of land intended as a unit for lease, transfer of ownership or for development.
1. Lot Area. The total horizontal net area within the lot lines of a lot to mean that square footage of a lot that is free from public and private road rights-of-way or easements.
  2. Lot Depth. The average distance between the front and rear lot lines.
  3. Lot Width. The average distance between the side lot lines.
  4. Through Lot. A lot having frontage on two parallel or approximately parallel streets other than alleys.
- O. Parcel: A unit of land that is created by a partitioning or subdividing of land.
- P. Partition: Either an act of partitioning land or an area or tract of land partitioned as defined in this section.
1. Major Partition. A partition which includes the creation of a road or street.
  2. Minor Partition. A partition that does not include the creation of a road or street.
- Q. Partition Land. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from the creation of cemetery lots, the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of the zoning ordinance.

"Partition land" does not include the sale of a lot in a recorded subdivision or an approved partition even though the seller of the lot may have owned other contiguous lots or property prior to the sale.

- R. Person: Every natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.
- S. Plat: A final map, diagram, drawing, and accompanying written materials containing all the descriptions, location, specifications, dedications, provisions and information concerning a subdivision.
- T. Preliminary Plan: A drawing and related material submitted by a subdivider with an application for subdivision.
- U. Renewable Energy Resources. Biomass, geothermal, wind, solar, and/or hydro resources.
- V. Road or Street. A public or private way or easement that is created to provide access to one or more lots, parcels, areas or tracts of land, or other interests in land, excluding a private way that is created to provide ingress and egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.
- W. Series Partition. A series of partitions of land resulting in the creation of four or more parcels over a period of more than one calendar year.
- X. Street. The entire area between the right-of-way lines of any public way other than an alley used or intended to be used for vehicular traffic, including public ways designed as roads, highways, lanes, places, circles, avenues, or by other similar designations.
- Y. Subdivision and Subdivided Land. Improved or unimproved land or lands divided, or created into interests or sold under an agreement to be subsequently divided or created, immediate or future, into 11 or more undivided interests or four or more lots, parcels or other interests within a calendar year 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. Does not include the sale of a lot in a recorded subdivision or an approved partition even though the seller may have owned other contiguous lots or property prior to the sale; said lot or lots however must be sold as platted and recorded.

ARTICLE 2: GENERAL REQUIREMENTS OF DESIGN AND DEVELOPMENT

Section 2.010: CONFORMITY TO THE COMPREHENSIVE PLAN AND ZONING ORDINANCE. The subdivision or partitioning shall conform to and be in compliance with the Comprehensive Plan, the Zoning Ordinance, the development pattern, the official plan or map and to the arterial roadways plan of that portion of the County within which the subdivision lies.

Section 2.020: RELATION TO ADJOINING STREET SYSTEM. A subdivision or major partitioning shall provide for the continuation of the principal streets existing in adjoining developments or for their proper projection when adjoining property is not developed. Such streets shall be of a width not less than the minimum requirements set forth in this ordinance. Where, in the opinion of the Planning Commission, topographic conditions make such continuation or conformity impractical, exception or alternative requirements may be made.

- A. Where the plat submitted covers only a part of the developer's tract, a drawing of the prospective future street system of the entire tract shall be furnished.
- B. Where a tract is subdivided or partitioned into lots of an acre or more in area, the Commission may require an arrangement of lots and streets such as to permit a later resubdivision in conformity to the street requirements contained in this ordinance.

Section 2.030: ACCESS. The development of the land shall be such as to provide each parcel, by means of a private easement or public street, with satisfactory access to an existing public street or to a proposed street as shown in the Comprehensive Plan.

Section 2.040: EXISTING STREETS. Wherever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way and/or road improvements may be required at the time of development.

Section 2.050: FUTURE EXTENSION OF STREETS. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end streets may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extension.

Section 2.060: ACCESS CROSSING PUBLIC LANDS. Where the provisions of public access require the crossing of public lands, approval shall be obtained from the agency having jurisdiction over said public lands crossed prior to Planning Commission approval.

Section 2.070. ACCESS TO STATE HIGHWAY OR COUNTY ROAD. Where a development requires an access approach to a State highway or County road, approval shall be obtained by the developer from the State Highway Division or County Road Department prior to Planning Commission approval of the final plat.

Section 2.080: STREET NAMES. Except for extensions of existing streets, no name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and, if near a city, to the pattern of the city, present and projected.

Section 2.090: ALLEYS. The minimum width of an alley in a residential block when platted shall be twenty (20) feet. Alleys shall be provided in commercial and industrial districts and shall not be less than twenty (20) feet. The corners of all alleys at their intersection with streets and other alleys shall be curved with a radius of not less than (10) feet.

Section 2.100: PEDESTRIAN AND/OR BIKE WAYS. When desirable or deemed necessary for public convenience and safety, pedestrian and/or bike ways may be required, particularly as deemed desirable or necessary to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks.

Section 2.110: EASEMENTS.

- A. Utility Easements: Easements shall be provided along property lines where necessary for the placement of overhead or underground utilities and where necessary to provide the subdivision or partition with electric power, communication facilities, street lighting, sewer lines, water lines, gas lines or drainage. Such easements shall be labeled "Public Utility Easement" on the preliminary and final plat. They shall be at least twelve (12) feet in width and centered on lot lines where possible, except for utility pole guyline easements which may be reduced to six (6) feet in width, and easements along the rear of lots adjacent to unsubdivided land which may be reduced to ten (10) feet in width.
- B. Drainage: If a subdivision or partition is traversed by a water course such as a drainage way, channel, canal 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 major water courses or drainage ways may be required.

Section 2.120: CONFORMITY TO TOPOGRAPHY. The design of the subdivision or major partition shall show that all streets conform to the topography of the site, so that proper street grades are secured in the development and that desirable building sites are provided.

Section 2.130: BLOCKS. In subdivisions with an average lot size of under one acre, no block shall be longer than 1,000 feet in length and there may be a cross walkway of not less than ten (10) feet in width near the middle of the block. The width of blocks shall be such as to allow two tiers of lots unless exceptional conditions are, in the opinion of the Planning Commission, such as to render this requirement undesirable and that double frontage lots are unavoidable.

Section 2.140: LOTS. The minimum area, width, depth and frontage of lots and the minimum building setback line from streets shall conform with the requirements of the County Zoning Ordinance when applicable and all other applicable regulations.

Section 2.150: LOT BOUNDARY OR RIGHT-OF-WAY LINES. No lot shall be divided by the boundary line of a county, city, school district or other taxing district or by the right-of-way of a street, utility transmission line or major drainage way.

Section 2.160: DRAINAGE WORKS. The developer shall provide such drainage structures or improvements necessary to prevent the ponding of surface water within the roadway of a street, and to assure the unimpeded flow of water within natural drainage courses traversed by a street.

Section 2.170: FLOOD HAZARDS. Areas which are subject to the ponding of surface waters, or of flooding caused by surface waters or high water table shall not be developed until necessary measures have been taken to eliminate the hazard involved. The existence of such hazard shall be just cause for disapproval of the proposal.

Section 2.180: WATER SUPPLY.

- A. Individual Wells: In any development where individual wells are proposed, the developer shall furnish evidence that a safe and potable water supply occurs on the development in adequate quantity and quality for domestic use to serve the development.
- B. Community Domestic Water Supply System: In any development where a community water supply system is required or proposed, plans for the said water supply system shall be submitted and approved as required by State or Federal law.

- C. Public Water Supply System: For any development where the proposed water supply is from an existing public water supply system, a letter of commitment for such service shall be provided and system installations shall be in compliance with specifications set forth and approved by the affected system owner.

Section 2.190: SOLID WASTE. Where any subdivision is located more than thirty miles from a solid waste disposal site, it shall be necessary for the subdivider to provide an acceptable means of disposal of solid waste generated on the development. Acceptable means of disposal shall be:

- A. A sanitary landfill approved by the Department of Environmental Quality.
- B. A modified landfill approved by the Department of Environmental Quality.
- C. Dump boxes to be transported to the nearest sanitary landfill or other approved disposal site.
- D. Collection services and transportation to the nearest sanitary landfill or other approved disposal site.
- E. A minimum distance of 1/4 mile or 1,320 feet shall be maintained as open space between any residential lot or parcel of land and the boundaries of an existing or future landfill site.

Section 2.200: FIRE PROTECTION. Provisions for fire protection shall be made as follows:

- A. Where a subdivision is located within a public fire protection district, fire hydrants or other acceptable means of water source shall be provided in accordance with the requirements of the fire district involved.
- B. Subdivisions located adjacent to the boundaries of a public fire protection district shall request annexation into said district and if such approved shall provide fire suppression facilities as specified in "A" above.
- C. In subdivisions not located within or adjacent to a public fire protection district, water facilities shall be provided as may be specified by the appropriate fire protection agency and/or the Planning Commission. Subdivisions within the Urban Growth Boundary may be required to provide fire protection facilities as determined necessary by the Planning Commission.
- D. Fire breaks shall be provided as may be specified by the appropriate fire protection agency. Access roads may be used as breaks where provided at suitable locations.

- E. Emergency Access: Two or more improved all-weather access roads from the subdivision may be required by the Commission for the purposes of fire protection egress and ingress to insure public safety as may be specified by the appropriate fire protection agency.
- F. Street Signs: All roads and streets shall be designated by name and number clearly visible from main access roadways.
- G. Other Conditions: Other conditions for fire protection shall be considered as necessary and reference for guidelines in such shall be the appropriate fire protection agency or the handbook "Fire Safety Consideration for Developments in Forested Areas," recommended by forest protection agencies in Oregon and Washington.
- H. Cul-de-sac: Except where special circumstances of design are apparent, cul-de-sacs shall not have a length of more than six-hundred (600) feet in urban and suburban subdivisions, no more than eight-hundred (800) feet in length in rural recreation or rural subdivisions and shall terminate with a turn-around with a radius of not less than fifty (50) feet.

Section 2.210: PUBLIC UTILITIES. In developments where lots average one (1) acre or less, all public utilities provided shall be underground wherever feasible. The feasibility of underground utilities shall be considered in all subdivisions.

Section 2.220: PUBLIC OPEN SPACE. Due consideration should be given by the developer to the allocation of suitable areas for parks and playgrounds to be dedicated for public use or reserved for the common use of all property owners within the subdivision by covenants on the plat. Parks and recreation areas shall conform as nearly as possible to locations designated by the Comprehensive Plan. Dedications or exactions in lieu of dedications may be required of the developer for park or recreational purposes.

Section 2.230: SUBDIVISION NAME. The name of any subdivision shall not duplicate or be so similar as to be confused with the name of any existing subdivision or parcel or area within the County.

Section 2.240: BUILDING LINES. Building lines shall be shown on all lots planned for residential use and also on all commercial and industrial lots adjoining a residential area. Such building lines shall not be less than those required by the zoning ordinance.

Section 2.250: SEWAGE DISPOSAL. Sewage disposal information shall be provided for each lot within a development in accordance with the requirements and standards of disposal administered by and

under the jurisdiction of the Department of Environmental Quality. The developer shall be responsible for providing the necessary information required to determine adequacy of sewage disposal facilities proposed.

Section 2.260 OTHER IMPROVEMENTS. In addition to the improvements required by the provisions of this Ordinance, the developer may be required to provide other improvements because of specific features of the land and the design and location of the development. Improvements such as bridges, culverts, and the fencing of water courses, rights-of-way and recreation areas and facilities may be required where necessary for the health, safety and general welfare of residents of the development.

Section 2.270: ACCESS TO RIVERS AND STREAMS. The developer shall provide for reasonable public access to any river or stream adjacent to or within a development.

Section 2.280: MINIMUM RIGHTS-OF-WAY AND STREET IMPROVEMENTS. Where a subdivision abuts an existing County maintained road or roads, the subdivider may be required to dedicate that additional right-of-way required to bring the road to the standard right-of-way prescribed for the type of road involved. If an abutting road not dedicated and improved to the standard specified in this ordinance or by order of the County Court, the subdivider shall dedicate and may be required to improve such road to the standards set forth as aforementioned, or may be required to provide a performance bond for the improvement of such road as prescribed in this Ordinance.

Streets, rights-of-way, and improvements within a development shall be provided as specified in this ordinance or if more stringent, by standards in accordance with adopted County standards and specifications.

For the purpose of this section and this section only the following classifications of subdivisions are for reference in relation to street improvement requirements.

Class 1 - Lot sizes of 7,500 sq.ft. to 1 acre (43,560 sq.ft.)

Class 2 - Lot sizes of 1 acre to 5 acres

Class 3 - Lot sizes of 5 acres to 10 acres.

Class 4 - Lot sizes over 10 acres.



TABLE I

MINIMUM STREET RIGHT-OF-WAY AND BASIC  
STREET IMPROVEMENT STANDARDS

Subject	Type of Street			
	Arterial	Collector	Local	Cul-de-sac
1. Right-of-way width	80 ft.	60 ft.	60 ft.	60 ft.
2. Surfacing Width:				
Class 1 subd.	48 ft.	36 ft.	36 ft.	36 ft.
Class 2 subd.	36 ft.	36 ft.	36 ft.	36 ft.
Class 3 subd.	36 ft.	24 ft.	24 ft.	24 ft.
Class 4 subd.	24 ft.	24 ft.	24 ft.	24 ft.
3. Type of Paving:				
Class 1 subd.	(1)	(1)	(1)	(1)
Class 2 subd.	(2)	(2)	(2)	(2)
Class 3 subd.	(2)	(2)	(3)	(3)
Class 4 subd.	(3)	(3)	(3)	(3)
4. Curbs:				
Class 1 subd.	yes	yes	yes	yes
Class 2, 3, & 4	no	no	no	no
5. Maximum of Grade	6%	8%	10%	10%
6. Radius of Curvature	500 ft.	250 ft.	100 ft.	
7. Street signs	(4)	(4)	(4)	(4)
8. Maximum Length				
Class 1 subd.			600-800 ft.	
Class 2, 3, & 4			none	
9. Curb Return Radius:				
Class 1 subd.	20 ft.	15 ft.	12 ft.	10 ft.
Class 2, 3, & 4	none	none	none	none

(1) A minimum of three inches (3") of A.C. paving, and a 6" to 8" compacted base.

(2) A.C. paving or acceptable oil mat surfacing plus 4 feet of cinder or crushed rock shoulders and a 6" to 8" compacted base.

(3) Cinder, crushed gravel or equivalent.

(4) Two (2) street signs shall be provided at 4-way intersections; one (1) street sign shall be provided at the intersections for each street.

NOTE: The above street improvement standards are not necessarily County road specifications and construction to these standards in no way obligates the County for acceptance and/or maintenance.

Section 2.290: SUBDIVISION IN RELATION TO STREET IMPROVEMENTS. Where a subdivision is located in an area subject to future annexation by the city, street improvement requirements shall conform with standards acceptable to the city.

Section 2.300: STREET OR ROAD ACCEPTANCE BY COUNTY. Any road or street which does not connect directly to a County-maintained road, City-maintained street or State highway, is not constructed to the standards set forth by the County, or use does not justify such acceptance, such road or street shall not be accepted for maintenance by the County.

Section 2.310: STREET ALIGNMENT. Streets located on opposite sides of an intersecting street shall have their centerline directly opposite each other where possible; otherwise, the centerlines shall be separated by not less than one hundred (100) feet.

Section 2.320: LOCATION OF CENTERLINE. The centerline of the paving shall correspond to the centerline of the right-of-way.

Section 2.330: INTERSECTION ANGLES. Street intersection shall be as near right angles (90 degrees) as possible except where topography requires a lesser angle, but in no case shall the acute angle be less than 60 degrees.

Section 2.340: ROAD ENGINEERING REQUIREMENTS. After a preliminary approval of a proposed subdivision and before approval is granted for the street or road dedication, there shall be submitted to the County Planning Department and County Roadmaster, the following information:

- A. Plan and Profile on Federal Aid sheets showing the following:
  1. Widths of the proposed dedication throughout the length of the proposal.
  2. Centerline alignment showing P. C. and P. T. stationing on all curves, necessary curve data and bearings of tangents.
  3. Ground line and grade line profile on the centerline of the proposed street or road.
  4. Vertical curve data showing P. I. elevations and stations, length of vertical curve and tangent grades.
  5. Proposed drainage structures, showing both sizes and type of structure.
  6. Earthward distribution, i.e. volume of cuts and fills shown in appropriate haul distribution brackets.

7. Provisions for waste or borrow areas if widened cuts or fills do not provide the desired balance of material.
  8. Top of slope and top of cut lines showing the limits of the construction area within the dedications.
  9. Typical section of roadbed to be constructed.
  10. Section lines, fractional section lines and/or Donation Land Claim lines tie to corner from which dedication description is prepared.
  11. Contour lines at 5 foot intervals.
  12. Vicinity map in the upper left hand corner of the first plan sheet showing roughly the relationships of the proposed road to Cities, State highways, County roads, or other well defined topographical features.
  13. The stamp and signature of the Registered Professional Engineer preparing the plans.
- B. Cross Sections:
1. Shall be platted on rolls of ten (10) inch X ten (10) inch green on white standard cross-section paper. Computer cross-sections printouts may be submitted in lieu of platted cross-sections.
  2. Shall show proposed widened cuts or fill if these are needed for material balance.
- C. Monumentation:
1. A-1 P. C. and P. T. points on horizontal curves shall be referenced with a 5/8" x 30" steel rod driven twenty-four (24) inches into the ground set at the intersection of the R/W line and a line perpendicular to the tangent at the P. C. or P. T. point shall be witnessed by a white 4" x 4" cedar post forty-eight (48) inches in length set eighteen (18) inches into the ground set twelve (12) inches from and in line with the P. C. or P. T. point. As an alternate to the white cedar 4" x 4" witness posts, forty-eight (48) inch sections of steel fence posts painted white may also be used for such witness posts.
  2. All lot corners adjacent to the street or road dedication shall be set with 5/8" steel rods and 2 x 2 posts, 18" above ground with lot numbers on respective sides.

Section 2.350: CONSTRUCTION STANDARDS.

- A. Base rock shall be either crushed material or bar run. Over the base material shall be placed three inches of 3/4"-0 crushed leveling course. Shale material will not be permitted except as subgrade reinforcement. Finish surfacing shall be either asphalt or an oil mat surface.

- B. Culverts may be either concrete or metal. All cross drainage pipes shall be eighteen inches (18) in diameter or larger. Driveway pipes shall be twelve (12) inches in diameter or larger. Drainage pipes shall be placed in natural drainage areas where possible. When natural drainages are quite flat (under 1%) there shall be provided a drainage easement along the natural drainage course to insure continuity of drainage.
- C. Rock surfacing side slopes shall be 2:1 or flatter. Ditch for slopes shall be 2:1. Cut slopes in earth material shall be no steeper than 2:1. Cut slopes in solid rock may be 1/4:1 or flatter. Fill slopes shall be 1-1/2:1 or flatter.

Section 2.360: ROAD OR STREET CONSTRUCTION BY SUBDIVIDER. If a subdivider elects to construct any road or street himself, he shall, before the dedication or deed to the public for street or road is accepted by the County Court, file with the County Court one of the following:

- A. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the District Attorney and in the amount of estimated cost.
- B. Cash deposit.
- C. 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.
- D. Written certification by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses and that it will be released only upon authorization of the County as in the case of cash.
- E. The subdivider may enter into an agreement with the County Court setting forth the period of time within which he plans to construct improvements, either in whole or part. Such agreement shall specify that the subdivider shall deposit in an escrow account for the benefit of the County an amount of money equal to twice the pro-rate share of improvement costs for the entire subdivision attributable to a single lot, at the time of sale of said lot; provided, however that:
  - 1. This alternative procedure shall be permitted only for a final plat exceeding twenty (20) lots.
  - 2. This alternative procedure shall not be permitted for subsequent phases of development until the improvements in the initial final plat have been completed.

3. Such agreement will not extend more than twelve (12) months from the date of execution unless extended by the County Court as an amendment to the agreement.

The above assurances of faithful performance shall be for a sum approved by the County Planning Director and Roadmaster of the improvements and repairs, including related engineering and related incidental expenses and to cover the cost of County inspection.

In the event the subdivider fails to carry out provisions of the agreement and the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement.

Upon certification by the County Planning Director and Roadmaster that the improvement agreement is complete, the bond shall be released to the subdivider.

If the subdivider elects to construct the road or street himself and after financial assurance is received by the County, he shall notify the County Roadmaster at the following stages of construction:

- A. After clearing and grubbing is completed.
- B. After grading and drainage is completed.
- C. After rock surfacing is completed.
- D. After oiling or paving is completed.

Section 2.370: ADDITIONAL REQUIREMENTS.

- A. The subdivider shall furnish to the County Planning Director and Roadmaster at the completion of the project, a title sheet, and a plan and profile of the completed road, or an "as constructed" modification of the plan and profile previously submitted.
- B. The title sheet shall contain a signed stamp of a Registered Professional Engineer of the State of Oregon and a certification "that the road has been constructed in accordance with the typical section shown hereon and to the grades and alignment as shown."
- C. The title sheet shall contain in the title block, the name of the street or streets, the name of the subdivider and engineer preparing the plan, the location of the street or streets according to the Section, Township, and Range, a typical section showing surfacing, thicknesses and types, side slopes and cut and fill slopes, and a vicinity map approximately 1" = 1 mile showing where the street is located in relation to Sections, Townships, and Ranges and surrounding topographical features and its connections to existing County roads or State highways.

- D. The plan shall show the centerline alignment and all curve data, and direction of tangents; the location of the monumentation of the road right-of-way widths, drainage easements, section lines or fractional section lines, township lines, range lines, the lot lines of the subdivision and all drainage structures, their size and length and types and sizes and location of underground utilities.
- E. The profile shall show the original ground line, the finish grade on vertical tangents and vertical curve data on vertical curves.
- F. The plan-profile shall have a title block in the lower right hand corner giving the name of the street, the subdivision, the name of the engineer preparing the plan-profile and the name of the subdivider.

Section 2.380: RENEWABLE ENERGY RESOURCE SITES. Where a land development is proposed within or adjacent to an inventoried renewable energy resource site, the County, through the Planning Commission and/or Board of Commissioners, may require additional setbacks and/or screening necessary for assuring compatibility between the resource site and land development uses.

### ARTICLE 3: TENTATIVE PLAN

#### Section 3.010: FILING PROCEDURE.

- A. The subdivider shall prepare a tentative plan in accordance with the provisions of this ordinance which shall be filed with the County Planning Department 30 days prior to the Planning Commission meeting at which consideration is desired.
- B. The time of filing shall be construed to be the time when the tentative plan is filed with and officially received by the County Planning Department. Such filing shall be made prior to the initiation of any construction work within the proposed subdivision which might be affected by changes in the tentative plan.
- C. The subdivider shall file two copies of the tentative plan together with an application in writing, form to be provided by the Planning Department, to the County Planning Department.
- D. In lieu of a tentative plan as the first submittal phase in the subdivision application process, the applicant and/or developer may choose to submit an Outline Development Plan. Such a plan shall include both maps and written statements as set forth in this Subsection.

1. The map(s) which are part of an Outline Development Plan may be in schematic form, but shall be to scale and shall contain the following information:
  - a. Existing topographic character of the land.
  - b. Existing and proposed land uses and the approximate location of buildings and other structures on the project site and adjoining lands.
  - c. The character and approximate density of the proposed development.
  - d. Public uses including schools, parks, playgrounds and other public spaces or facilities.
  - e. Common open spaces and recreation facilities.
  - f. Landscaping, irrigation and drainage plans.
  - g. Road, street and other transportation facilities.
2. Written statements which shall be part of the Outline Development Plan submittal shall contain the following information:
  - a. A statement and description of all proposed onsite and offsite improvements.
  - b. A general schedule of development and improvements.
  - c. A statement setting forth proposed types of housing and other uses to be accommodated, and a projection of population and traffic generation.
  - d. A statement relative to the impact on the carrying capacities of public facilities and services including water and sewer systems, schools, serving streets, etc.
  - e. A statement relative to compatibility with adjoining and area land uses, environmental protection and/or preservation measures, and impacts on natural resource carrying capacities.
3. Commission approval of an Outline Development Plan for a subdivision shall constitute only a conceptual approval of the proposed development for "general" compliance with the Comprehensive Plan and Zoning. Approval of an Outline Development Plan shall not be binding on the County for approval of either the tentative plan or final plat for the proposed development.
4. Following submittal and approval of an Outline Development Plan, any person proposing a subdivision shall then submit a tentative plan, together with the required application and accompanying information and materials, and the required filing fee, and shall follow the procedures for the processing of a Tentative Plan as set forth by this Ordinance.

Section 3.020: FORM AND SCALE OF TENTATIVE PLAN. The tentative plan shall be clearly and legibly drawn, and shall show all pertinent information to scale in order that the Planning Commission may have adequate understanding of what is proposed during the review process. The scale of the tentative plan shall be one (1) inch equals 100 feet for areas under 100 acres, one (1) inch equals 200 feet for areas under 640 acres, but in no case shall the scale exceed one (1) inch equals 800 feet.

Section 3.030: VICINITY MAP. If the tentative plan does not show the following information, a vicinity map or key shall accompany or be drawn on the tentative plan showing all existing subdivisions, streets, tract lines of acreage parcels, together with the names of the recorded owners of parcels of land immediately adjoining the proposed subdivision. It shall show how streets and alleys in the proposed subdivision may connect with existing and proposed streets and alleys in the neighboring subdivision or undeveloped property.

Section 3.040. INFORMATION ON TENTATIVE PLAN.

- A. General Information.
  - 1. Proposed name of the subdivision.
  - 2. Name and address of the owner of record and subdivider and any assumed business names filed with the Corporation Commissioners by the owner or subdivider which will be used in connection with the subdivision.
  - 3. Name and address of the licensed Engineer or Surveyor who prepared the plan.
  - 4. Date of Preparation, north point, scale, approximate acreage and boundary lines.
  - 5. The tract designation or other description according to the records of the Lake County Clerk.
- B. Information Concerning Existing Conditions:
  - 1. The location, names and widths of improved and unimproved streets and roads within or adjacent to the subdivision.
  - 2. The location of structures, irrigation canals and ditches, pipelines and railroads and any natural features such as rock outcropping and cover which are of an area or size sufficient to influence the design of the subdivision.
  - 3. Contour lines with intervals of ten (10) feet or less.
  - 4. The location, width and use or purpose of any easement on the property.
  - 5. The location and direction of natural water-courses, stormwater collection ways, and areas subject to flooding or ponding.



6. The location of city boundary lines and the boundary lines of public districts which lie within the subdivision or within 500 feet of the exterior boundaries of the subdivision.
7. Existing sewers, water mains, septic tank/drainfield systems, wells, drain pipes, electric lines and other utilities, culverts or structures within the tract or immediately adjacent thereto, together with pipe sizes, grades and locations indicated.
8. Zoning classification of the land and adjoining land.
9. The location of any overlying or adjacent renewable energy resource site contained in the County Comprehensive Plan inventory.

C. Information Concerning Proposed Development:

1. The location, names, width, typical improvements cross-section, approximate grades and curve radii of all proposed streets.
2. The location, width and purpose of proposed easements.
3. The location and approximate dimensions and areas of lots; proposed lot and block numbers.
4. The location, approximate acreage and dimensions of areas proposed for public use and the use proposed.
5. The proposed use and location of any lot which is not intended for residential use.
6. An outline of the areas proposed for partial recording of a final plat if phased development and recording is contemplated.
7. The relationship of the proposed subdivision to future streets on adjacent land controlled by the subdivider.
8. Source and method of water supply to serve the subdivision.
9. Proposed method of sewage disposal and subsurface sewage disposal feasibility study of the acreage if applicable.
10. Draft of proposed deed restrictions and covenants affecting the plat.
11. Provisions for solid waste disposal.
12. Description and location of any community facilities which would serve the proposed subdivision.

Section 3.050: STATEMENTS TO ACCOMPANY TENTATIVE PLAN.

- A. Domestic Water Supply: A letter from a water purveyor, providing a water supply system serving domestic water or a letter from a licensed well driller or registered engineer. The letter shall state the source, and known quantity of water available and that the system will be

installed in accordance with all requirements of the Oregon State Health Division and this ordinance. In addition, the letter from the water purveyor providing a domestic water system shall state that he is able and willing to serve each and every lot within a subdivision. The letter shall be certified and notarized.

- B. Sewage Disposal: Describe method of disposal, any pertinent soil data, watertable information, frost level, etc.
- C. Improvements Timetable: The estimated time when improvements are proposed to be made or installed.
- D. Public Utilities: A letter from each of the utility companies serving the area in which the subdivision is located stating that each is able and willing to serve the subdivision as proposed.
- E. Fire Protection: A letter from the agency or organization responsible for fire protection in the area evaluating the proposed provisions for fire protection for the subdivision.
- F. The Irrigation District: The irrigation district involved and provisions for delivering irrigation water to the lots in the subdivision.
- G. Proof of Ownership: A letter from a licensed title company stating the record owner(s) of the land proposed to be subdivided.
- H. Reasons and Justifications: For exceptions, if any, to the provisions of this Ordinance.
- I. Statement of Water Rights. A copy of the Statement of Water Rights required by ORS 92.120(4)(a).

Section 3.060: MASTER DEVELOPMENT PLAN. An overall "Master Development Plan" shall be submitted for all developments of more than 100 parcels or for all developments planning phase or unit development. The "Master Development Plan" should include, but not be limited to the following elements:

- A. Overall development plan, including phase or unit timetable.
- B. Overall transportation and traffic pattern plan.
- C. Schedule of improvements initiation and completion.
- D. Sales program timetable projection.
- E. Development plans of any common elements or facilities.
- F. Financing plan for all improvements.

Section 3.070: SUBDIVISION REVIEW AND PLANNING COMMISSION ACTION.

- A. Planning Commission Review: The Planning Department shall submit the tentative plan along with the recommendations of any other public agencies to the Planning

Commission. The Planning Commission shall consider the recommendations of the other agencies and determine whether the plan is in conformity with the provisions of this Ordinance, the Comprehensive Plan, zoning and other applicable state and local regulations. Upon that basis the Commission shall, by resolution, approve, conditionally approve, or disapprove, the proposed subdivision. Within five days of Commission action on the tentative plan, the Planning Department shall report such action in writing directly to the subdivider or his agent and his engineer or surveyor. If the map is disapproved by the Commission, the reasons therefore shall be set forth in the report to the subdivider. If the tentative plan is subject to conditions, the conditions thereof shall be set forth in the report. A copy of the report shall be sent to the County Commission.

- B. If no action is taken by the Planning Commission within 45 days from the first regular Planning Commission meeting following submission of the tentative plan, the plan as filed shall be deemed to be approved and it shall be the duty of the Planning Department to certify the approval.
- C. Review of Planning Commission Action: Approval of the tentative plan by the Planning Commission shall be final unless the decision is appealed to the County Commission. However, the County Commission may review the Planning Commission's decision on its own motion. County Commission review shall be conducted in accordance with Article 7 of this Ordinance.
- D. Filing Final Plan: Approval of the tentative plan is null and void if the final plat is not submitted to the Planning Department within one year from the date of approval.

Section 3.080: SPECIFIC APPROVAL REQUIREMENTS. In addition to the requirements set forth by the provisions of this Ordinance and applicable local and State regulations, specific requirements for tentative plan approval are as follows:

- A. No tentative plan of a subdivision shall be approved which bears a name using a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in the County, except for the words "town," "city," "place," "court," "addition," or similar words, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party

that platted the subdivision bearing that name. All plats must continue the block numbers of the plat of the same name last filed.

- B. No tentative plan for a proposed subdivision shall be approved unless:
  - 1. The streets and roads are laid out so as to conform to the plats of subdivision and maps of partitions already approved or adjoining property as to width, general direction and in all other respects, unless the Planning Commission determines it is in the public interest to modify the street or road pattern.
  - 2. Streets and roads held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private roads and streets are set forth thereon.
  - 3. The tentative plan complies with the Comprehensive Plan and Zoning Ordinance.
- C. Approval or denial shall take into consideration the following additional factors:
  - 1. Tentative plan requirements.
  - 2. Quantity and quality of existing or proposed water supply.
  - 3. Adequacy of the existing or proposed sewage disposal system to support the projected population; or in the event that sub-surface sewage disposal is proposed for any or all of the parcels of the development, the capability of the soil for the proper long-term support of such a system or systems.
  - 4. Effect of development on soil erosion.
  - 5. Adequacy of public services to serve the increase in population to be created by the development, including schools, police and fire protection, health facilities, highway and arterial road networks, and other transportation facilities, parks and other recreational facilities, etc.
  - 6. Effect of the development on the scenic or natural beauty of the area, historic sites or rare and irreplaceable natural areas.
  - 7. Location of development in relation to industrial plants, livestock feedlots, solid waste disposal sites (existing and proposed), mining and quarrying operations and other possible conflicting land uses.
  - 8. Possible adverse effects on the development by natural hazards, such as floods, slides or faults, etc.
  - 9. Possible adverse effects of the development on adjacent or nearby agriculture, grazing, or timberlands or operations.

10. Design and development for retention of the maximum feasible amount of vegetation and other natural amenities.
11. Possible environmental damage to the area or possible effects on fish, wildlife or their habitat.
12. Possible conflicts with easements acquired by the public for access through or use of property within or adjacent to the proposed development.
13. Unusual conditions of the property involved such as high water table, slope, bedrock or other topographic or geologic conditions which might limit the capability to build on the land using ordinary and reasonable construction techniques.
14. Marketable title or other interest contracted for.
15. Adequate financial arrangements for onsite and offsite improvements proposed or required.
16. Evidence that each and every parcel can be used for the purpose for which they are intended and to be offered.
17. Agreement or by-laws to provide for management, construction, maintenance, or other services pertaining to common facilities or elements in the development.
18. Protective covenants or deed restrictions.
19. Conformance with other policies and provisions of local and state regulations.

#### ARTICLE 4: FINAL PLAT

Section 4.010: SUBMISSION OF FINAL PLAT. Within one year from the date of preliminary approval by the Planning Commission or County Commission, whichever is later in time, the subdivider may submit a final plat conforming to the preliminary plan and any conditions attached thereto as tentatively approved. If a subdivider wishes to proceed with a subdivision after the expiration of said one year, he shall resubmit a preliminary plan to the Commission subject to the provisions set forth in Article 3 of this ordinance.

Section 4.020: FILING PROCEDURE. The subdivider shall file with the County Planning Department one complete set of original tracings, two copies from the tracing, and one copy of the deed restrictions applicable to the subdivision, together with other information required by this ordinance. Such filing shall be made not less than 30 days prior to the Planning Commission meeting at which consideration is desired.

Section 4.030: FORM OF FINAL PLAT. The final plat shall be submitted in the form prescribed by ORS Chapter 92 and this ordinance. The final plat shall be drawn to a scale of one (1) inch equals 100 feet, any deviations shall be approved by the Planning Department.

Section 4.040: INFORMATION REQUIRED OF FINAL PLAT. In addition to that otherwise specified by law, the following information shall be shown on the final plat.

- A. Name of the subdivision.
- B. Name of the owner, subdivider, and engineer or surveyor.
- C. The date, scale, north point, legend, controlling topography such as bluffs, creeks, and other bodies of water, and existing highways and railroads.
- D. Legal description of the tract boundaries.
- E. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
  1. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.
  2. Adjoining corners of adjoining subdivisions.
  3. City boundary lines when crossing or adjacent to the subdivision.
  4. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.
- F. The exact location of and width of streets and easements intercepting the boundary of the tract.
- G. Tract, block, and lot boundary lines and street rights-of-way and center lines, with dimensions, bearing or deflection angles, radii, arcs, points of curvature, and tangent bearings. Normal high water lines for any creek, or other body of water. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 foot.
- H. The width of the portion of street being dedicated and width of existing rights-of-way. For streets on curvature, curve data shall be based on the street centerline. In addition to the center line dimensions, the radius and central angle shall be indicated.
- I. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference length and bearing, and sufficient ties to

locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by map, it shall be properly referenced in the owner's certificates of dedication.

- J. The zoning classifications of the land.
- K. Limitations on rights of access to and from streets and lots and other parcels of land.
- L. Lot numbers beginning with the number "1" and numbered consecutively in each block.
- M. The area of each lot which is larger than one acre, to the nearest hundredth of an acre.
- N. Block numbers beginning with the number "1" or the letter "A" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness and stand out and so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.
- O. Identification of land parcels to be dedicated for any purpose, public or private, so as to be distinguishable from lots intended for sale.
- P. The location of any overlying or adjacent renewable energy resource site contained in the County Comprehensive Plan inventory.

Section 4.050: SUPPLEMENTARY INFORMATION WITH FINAL PLAT. The following data should accompany the final plat:

- A. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.
- B. Sheets and drawings showing the following:
  - 1. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any.
  - 2. The computation of all distances, angles, and courses shown on the map.
  - 3. Ties to existing monuments, proposed monuments, adjacent subdivision, street corners, and state highway stationing.
- C. A copy of any dedication requiring separate documents.
- D. Written proof that all taxes and assessments on the tract are paid which have become a lien on the tract.
- E. A profile of each street with grades shown thereon.

- F. If grading, and/or street improvements, and/or sewer and/or water facilities are required as the conditions of approval of the final plat the following may be required to be submitted with the final plat:
  - 1. Cross-sections of the proposed streets showing width of roadways, types of surfacing, curb locations and width and location of sidewalks.
  - 2. Plans and profiles of proposed sanitary, and stormwater sewers, with grades, pipe sizes and location of manholes indicated.
  - 3. Plans and profiles of the proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
  - 4. Specification for the construction of all proposed streets, sidewalks, bridges, sewer and water lines and other utilities.
  - 5. Grading plans and specifications as required for areas other than streets and ways.
  - 6. Planting plans and specifications for street trees and other plantings in public areas.
- G. Homeowner's Association: A copy of any homeowner's association agreements.
- H. Access Permits: Where access is to a County road or State highway the necessary access permits shall be obtained prior to final approval.
- I. Other information which may be required by applicable local or state requirements.
- J. A Statement of Water Rights as required by ORS 92.120 (4) (a) and a copy of the acknowledgment from the State Water Resources Department.

Section 4.060: SURVEY REQUIREMENTS.

- A. A complete and accurate survey of the land to be subdivided shall be made by an engineer or surveyor licensed to practice in the State of Oregon, in accordance with standard practices and principles of land surveying.
- B. The traverse of the exterior boundaries of a subdivision plat and of each block and lot shall close within a limit of error as specified by State law.

Section 4.070: CERTIFICATES OF FINAL PLAT. The following certificates and acknowledgments and others required by State law shall appear on the final plat. Such certificates may be combined where appropriate.

- A. A certificate of the registered engineer or licensed surveyor who prepared the survey and the final plat.



- B. A certificate of ownership, signed and acknowledged by the record owner and all parties owning an interest in the property, consenting to the preparation and recordation of the final plat, offering for dedication all parcels of land, streets, alleys, pedestrian ways, drainage channels, easements and other rights-of-way intended for public use, and, offering for dedication rights of access to and from prescribed streets, lots and parcels of land.
- C. A certificate for execution by the Chairman of the Planning Commission.
- D. A certificate for execution by the County Surveyor.
- E. A certificate for execution by the County Planning Director.
- F. A certificate for execution by the County Tax Collector.
- G. A certificate for execution by the County Assessor.
- H. A certificate for execution by the Irrigation District, where applicable.
- I. A certificate for execution by the County Board of Commissioners.

Section 4.080: IMPROVEMENTS.

- A. The subdivider shall improve, or agree to improve, all lands dedicated for streets, alleys, pedestrian ways, drainage channels, easements and other rights-of-way as a condition precedent to acceptance thereof and approval of the final plat.
- B. All improvements shall conform with the specifications of design and materials and requirements as provided by this ordinance, the County Commission, and other applicable regulations and agencies, and shall be guaranteed by provisions set forth in this ordinance.
- C. The County shall have the right to enter upon the sites of improvements for the purpose of inspecting them.

Section 4.090: MONUMENTS.

- A. All monuments shall be marked or tagged according to the provisions of State law.
- B. In making the survey for the subdivision, the surveyor shall set monuments sufficient, so any part thereof may be readily retraced, including the marking of each lot corner and street intersection. The size, type and depth of monuments shall be in accordance with the Standard Specifications.

Section 4.100: CONDITIONS OF PLAT APPROVAL. If it appears to the Planning Commission necessary or prudent, for the protection of the public health, safety, welfare or the economic stability of the County, the Planning Commission may withhold or deny acceptance and approval of any final plat submitted until specified conditions are met, particularly in relation to the provisions of proper disposal of sewage and waste, domestic water, proper services by public utilities, safe vehicular access and fire protection.

- A. Streets, Alleys, and Adjacent Areas: The Commission may require the all-weather surfacing or paving of any or all streets, alleys, adjacent areas before accepting or approving of a final plat.
- B. Sewers and Sewage: The Planning Commission may require the installation of sewers and/or adequate sewage disposal facilities as shown by the required plans and specifications, prepared by a qualified licensed engineer and meeting with approval of the Health Officer and other appropriate officials before accepting or approving of a final plat.
- C. Water Lines and Supplies: The Planning Commission may require the installation of water lines and/or provision of adequate water supply to serve each lot as shown by the required plans and specifications, prepared by a qualified licensed engineer and meeting with the approval of the Health Officer and other appropriate officials before accepting or approving of a final plat.
- D. Survey Monuments: The Planning Commission may permit the subdivider to set certain stakes and monuments within a period not more than 30 days from the date of final approval, provided that prior to final approval the subdivider file an assurance thereof as set forth in Section 4.180 and further provided that said subdivider file a certificate executed by a registered land surveyor guaranteeing that said stakes and monuments will be set within said period.
- E. Fire Hazard Restrictions: The Planning Commission may also require that necessary restrictions regarding fire prevention or control be placed on record at the time of filing of plat or be contained in each and every deed of conveyance of the lots within such subdivision.

Section 4.110: FILING PLAT WITH STATE. Except as otherwise provided for by ORS Chapter 92, the subdivider or his surveyor shall, before recording the final plat, file a subdivision report with the Oregon State Real Estate Division, Department of Commerce, State of Oregon, and shall comply with all applicable provisions of the Oregon Statutes relating to subdivisions and the sale of subdivided land in the State.

Section 4.120: DECISION UPON FINAL PLAT. After reviewing the final plat submitted, the Planning Commission shall: (1) reject the plat, providing the subdivider with a summary of its reasons for taking such action; (2) deny or withhold its approval subject to specified conditions, providing the subdivider with a list thereof; or (3) accept and approve the final plat by indicating its approval thereof, in writing on the original of the final plat.

Section 4.130: SPECIFIC APPROVAL REQUIREMENTS.

- A. Upon receipt of the plat with the approval of the County Engineer, the Planning Commission shall determine whether it conforms with the approved preliminary plan and with these regulations. If the Planning Commission does not approve the plat, it shall advise the subdivider of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the Planning Commission determines that the plat conforms to all requirements it shall give its approval, provided supplemental documents and provisions for required improvements are satisfactory. Approval shall be indicated by the signature of the chairman of the Planning Commission.
- B. No plat of a proposed subdivision shall be approved unless:
  - 1. Streets and roads for public use are to be dedicated without any reservation or restriction other than reversionary rights upon vacation of any street or road and easement for public utilities.
  - 2. Streets and roads held for private use and indicated on the tentative plan of such subdivision are approvable by the County.
  - 3. The plat or map contains provisions for the donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the subdivision or the major partition.
  - 4. Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision will be recorded and referenced on the final plat or map.
  - 5. No plat of a subdivision shall be approved by the County unless it has received and accepted:
    - a. A certification by a city-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to

- regulation by the Public Utility Commissioner of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed plat; or
  - b. A bond, contract or other assurance by the subdivider that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted in the proposed plat; and the amount of any such bond, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any change in such amount as determined necessary by the County; or
  - c. In lieu of paragraphs 1 and 2 of this subsection a statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed plat, even though a domestic water supply source may exist.
6. No plat of a subdivision shall be approved by the County unless it has received and accepted:
- a. A certification by a city-owned sewage disposal system or by the owner of a privately owned sewage disposal system that is subject to regulation by the Public Utility Commission of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed plat; or
  - b. A bond, contract or other assurance by the subdivider that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed plat; and the amount of such bond, contract or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as is considered necessary; or
  - c. In lieu of paragraphs 1 and 2 of this subsection, a statement that no sewage disposal facility will be provided to the purchaser of any lot depicted in the proposed plat.
- C. Deed Notation of Renewable Energy Resource Site. The land developer shall agree to note within the deeds of sale for all property in the land development the type and location of the renewable energy resource site described in the final plat pursuant to Section 4.040P.

Section 4.140: SIGNATURES REQUIRED. When the final plat is approved by the Planning Commission, the plat shall be forthwith sent to the Surveyor, the Assessor, the County Commission and other agencies affected, for their approval. Approval of the final plat will be evidenced by the signatures of the Planning Commission Chairman, Planning Director, Surveyor, Assessor, Tax Collector, and County Commissioners and other public officials required by law which signatures shall be placed upon the final plat of record.

Section 4.150: TERMINATION OF APPROVAL. Approval of the final plat by the Planning Commission shall expire and be null and void 45 days from the date the final plat was approved by the Planning Commission and the County Commission unless said final plat is recorded within said time. Provided, however, that the Planning Commission may extend said time for a period not to exceed 30 days more upon written application of the subdivider or his successor made during the time set forth in the first sentence of this subsection.

Section 4.160: FILING OF THE FINAL PLAT. After obtaining all required approvals and signatures, the subdivider shall file the plat and the exact copy thereof in the County Clerk's office.

- A. Upon the filing of the plat, the subdivider shall furnish prints of the final plat and one print to the following: County Assessor, County Surveyor and/or County Engineer, and the Planning Department.

Section 4.170: ACCEPTANCE. Approval of the final plat by the Planning Commission shall not be deemed to constitute or effect an acceptance by the County of the dedication of any street or other proposed public way or area shown on the plat.

Section 4.180: AGREEMENT FOR IMPROVEMENTS. Before the Planning Commission approval is certified on the final plat the subdivider 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 County Commission an agreement between himself and the County, specifying the period within which required improvements and repairs shall be completed. The agreement shall provide that if the work is not completed within the period specified the County may complete the work and recover the full cost and expense thereof from the subdivider. The agreement shall provide for inspection of all improvements by the County. Such agreement may provide (1) for the construction of the improvements in units, (2) for an extension of time under conditions therein specified, and (3) for progress payment. The subdivider shall file with the aforesaid agreement, to assure his full and faithful performance

thereof, a bond for such sum as is, by the County Commission, deemed sufficient to cover the cost of said improvements, and incidental expenses to cover replacement and repair of existing streets and other improvements damaged in the development of the subdivision. Such bond shall be executed by a surety company authorized to issue such bonds in the State of Oregon. In lieu of said bonds, the subdivider may elect any one of the following alternatives to assure full and faithful performance.

- A. The subdivider may deposit with the County cash in an amount fixed as aforesaid by the County.
- B. The subdivider may submit written certification by a bank or other reputable lending institution that money is being held to cover the cost of the improvements and incidental expenses and that it will be released only upon authorization of the County as in the case of cash.

#### ARTICLE 5: PLANNED UNIT DEVELOPMENT

Section 5.010: AUTHORIZATION. When authorized by the applicable Zoning, a Planned Unit Development may be approved by the County in accordance with the provisions of this Article and this Ordinance.

Section 5.020: APPLICABILITY OF REGULATIONS. The requirements for a Planned Unit Development set forth in this Article are in addition to the requirements set forth for a standard subdivision by this Ordinance.

Section 5.030: PURPOSE. The purpose of the provisions set forth herein for a PUD are to permit the application of innovative designs and to allow greater freedom in land development than may be possible under the strict application of the applicable zoning provisions and this Ordinance. In permitting such design and development freedom, the intent is to encourage more efficient uses of land and public facilities and services, and to maximize area needs for a variety of housing, commercial and recreational needs.

Section 5.040: PRINCIPAL AND ACCESSORY USES.

- A. The principal uses permitted within a PUD may include any use permitted, Outright or Conditional, in the Zone in which the subject proposed development is located.
- B. Accessory uses shall not occupy more than 25% of the total area of the development, must be approved as a part of the initial development, approval, and may include the following uses:

1. Golf courses and other open land recreation uses.
2. Related commercial uses not to exceed 3% of the total land area of the development.
3. Private park, lake or waterway.
4. Tourist accommodations including convention or destination resort facilities.
5. Recreation areas, buildings, clubhouses or other recreational facilities.
6. Other uses which the Planning Commission finds are designed to serve primarily the residents of the proposed development or are open to and of benefit to the general public, and are compatible to the overall design of the proposed development, the general area of the development and the County Comprehensive Plan.

Section 5.050: DIMENSIONAL STANDARDS.

- A. The minimum lot area, width, depth, frontage and yard requirements otherwise applying to individual lots in the applicable Zone may be altered for a PUD provided that the overall density factor calculated for said Zone is not exceeded by more than 30%.
- B. The maximum building height shall not exceed those prescribed by the applicable Zone, except that a greater height may be approved if surrounding open space, building setbacks and other design features are used to avoid any adverse impacts due to the increased height. In general, setback requirements should be at least two-thirds of the height of a building.
- C. The building coverage for any PUD shall not exceed 40% of the total land area of the proposed development.
- D. Common open space and other such amenities, exclusive of streets, shall constitute at least 30% of the total land area of the development.
- E. No PUD may contain a total land area less than 5 acres.

Section 5.060: PROJECT DENSITY APPROVAL. If the Planning Commission finds that any of the following conditions would be created by an increase in density permitted by this Article for a PUD, it may either prohibit any increase or may limit such increase as deemed necessary to avoid the creation of any of the following conditions:

- A. Inconvenient or unsafe access to the proposed development or adjoining or area developments or properties.
- B. Traffic congestion in the streets which adjoin or will serve the proposed development and in the overall street system in the area of the development.

- C. An excessive burden on sewage, water supply, parks, recreation facilities, areas or programs, schools, and other public facilities which serve or are proposed to serve the proposed development.

Section 5.070: COMMON OPEN SPACE. No open area may be accepted as "common open space" within a PUD unless it meets the following requirements:

- A. The common open space is for an identified and designated amenity or recreational purpose(s), and the uses proposed or authorized therefore are appropriate to the scale and character of the proposed development and/or the area to be served thereby.
- B. The common open space will be suitably improved for its intended use, except that such open space containing significant natural features worthy of preservation in the natural state may be left unimproved. The buildings, structures and other improvements to be permitted in such open space are determined to be appropriate and accessory to the uses which are authorized for such open space.
- C. No common open space may be put to a use not authorized or approved in the final development plan of the subject development unless an amendment to said final plan is approved by the County.

Section 5.080: APPLICATION AND PROCEDURES. The application for a PUD, and the procedures for the processing thereof shall be the same as set forth for a standard subdivision in this Ordinance.

#### ARTICLE 6: PARTITIONS

Section 6.010: PARTITION REVIEW REQUIRED. Except as provided otherwise in this Article, land partitionings within the County must be approved by the Planning Commission if the parcel(s) is (are) 80 acres or less in an agriculture or forest designation and 160 acres or less in a range designation. Other partitionings may be processed by administrative review providing there is reasonable assurance and findings that the parcel(s) will be used for agricultural or forestry purposes.

Section 6.020: MAJOR PARTITION - FILING PROCEDURES.

- A. Prior to a major partitioning of land into tracts or parcels two copies of the tentative plan for the proposed partitioning together with an application



- for major partitioning shall be filed with the Planning Department at least 21 days prior to the Planning Commission meeting at which consideration is desired.
- B. The tentative plan for partitioning, when submitted, shall include the following:
1. A vicinity map locating the proposed partitioning in relation to adjacent subdivision, roadways and other land parcels.
  2. A plan of the proposed partitioning showing tract dimensions, area of each tract and the names of existing and proposed roads.
  3. Name and address of the land owner, partitioner, mortgagee, if any, and the engineer or surveyor employed to make necessary surveys and prepare the description of each tract involved.
  4. A statement regarding contemplated water supply and sewage disposal for each tract.
  5. Northpoint, scale and date.
  6. Statement regarding the intended use of the parcel(s) or the use for which the parcel(s) are to be offered.

Section 6.030: MAJOR PARTITION - REQUIREMENTS FOR APPROVAL. No application for major partitioning shall be approved unless the following requirements are met:

- A. Proposal is in compliance with the Comprehensive Plan.
- B. Proposal is in compliance with the Zoning Ordinance.
- C. Legal access to each parcel is assured, and in the case of a proposed access to a designated County road or State highway the required permit is approved.
- D. Each parcel is suited for the use intended or offered.
- E. The streets and roads are laid out so as to conform to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects.

Section 6.040: MAJOR PARTITION - ADDITIONAL FACTORS TO BE CONSIDERED IN APPROVAL OR DISAPPROVAL. In addition to the requirements set forth in Section 5.030 above, the following factors may be considered for approval or disapproval of an application for major land partitioning:

- A. Placement and availability of utilities.
- B. Safety from fire, flood and other natural hazards.
- C. Adequate provision of public facilities and service.
- D. Possible adverse effects on neighboring properties.
- E. Possible land use conflicts.
- F. Compliance with applicable deed restrictions or protective covenants.

Section 6.050: FINAL MAP FOR MAJOR PARTITION. Following approval of the tentative plan for the major partition by the Planning Commission, the final map shall be made and recorded within 30 days or the approval of the partitioning shall expire and be null and void. The final map shall be prepared in accordance with the following requirements and two copies of the recorded map shall be provided to the Planning Department by the partitioner at the time of recordation.

- A. The final map shall be drawn to scale of one inch equals 100 feet.
- B. Information and certificates required on final map:
  1. Name of the owner, developer, and engineer or surveyor.
  2. Date, scale and northpoint.
  3. Legal description of parcel(s) boundaries.
  4. Location and width of streets and easements.
  5. Parcel boundary line, dimensions and bearings, with bearings to the nearest 30 seconds and distances to the nearest 0.01 foot, and the area of each parcel.
  6. A tie by the actual survey to a section or donation land claim corner. When partitioning is a resubdivision of all or part of an existing subdivision, a tie shall be given to either the initial point or a block corner of the original subdivision.
  7. An affidavit of the surveyor having surveyed the land and marked the proper monuments the land as represented, and giving the dimensions and kind of such monument, and its location with reference to some known corner established by the U.S. survey.
  8. Space for date and signature indicating approval of the map by the designated official.

Section 6.060: MINOR PARTITION - FILING PROCEDURES AND REQUIREMENTS.

- A. Except as provided otherwise in this Subsection, prior to a minor partitioning of land into parcels, two copies of the tentative plan for the proposed minor partitioning together with an application for minor partitioning shall be filed with the Planning Department at least 21 days prior to the Planning Commission meeting at which consideration is desired. Minor partitionings in nonfarm and nonforest zones may be approved by the County Planning Director if found to be in compliance with the applicable provisions of this Ordinance and the applicable Zoning. A decision

by the Planning Director shall be rendered within 10 working days of the receipt of a completed application for such a partitioning.

- B. The tentative plan, when submitted, shall include the following:
1. A vicinity map locating the proposed partitioning in relation to adjacent subdivision, roadways and other land parcels.
  2. A plan of the proposed partitioning showing tract dimensions, area of each tract and the names of existing roads.
  3. Name and address of the land owner, the subdivider, the mortgagee, if any, and the engineer or surveyor employed to make necessary surveys and prepare the description of each parcel involved.
  4. A tie by the actual survey to a section or donation land claim corner. When partitioning is a resubdivision of all or part of an existing subdivision a tie shall be given to either the initial point or a block corner of the original subdivision system.
  5. A statement regarding contemplated water supply and sewage disposal system.
  6. Northpoint, scale and date.
  7. Statement regarding the intended use of the parcel(s) or the use for which the parcel(s) are to be offered.

Section 6.070: MINOR PARTITION - REQUIREMENTS FOR APPROVAL.

No application for minor partitioning shall be approved unless the following requirements are met:

- A. Proposal is in compliance with the Comprehensive Plan.
- B. Proposal is in compliance with the Zoning Ordinance.
- C. Access to each parcel is assured, and in the case of a proposed access to a designated County road or State highway the required permit is approved.
- D. Each parcel is suited for the use intended or offered.

Section 6.080: MINOR PARTITION - ADDITIONAL FACTORS TO BE CONSIDERED IN APPROVAL OR DISAPPROVAL. In addition to requirements for approval set forth in Section 5.070 above the following factors may be considered for approval or disapproval of an application for minor land partitioning:

- A. Placement and availability of utilities.
- B. Safety from fire, flood and other natural hazards.

- C. Adequate provision of public facilities and services.
- D. Possible adverse effects on neighboring properties.
- E. Possible land use conflicts.
- F. Compliance with applicable deed restrictions or protective covenants.

Section 6.090: PLANNING COMMISSION REVIEW. Within 45 days from the first regular Planning Commission meeting following submission of a partitioning application the Planning Commission shall review the plans submitted and either approve or deny the application. If no such action is taken within the 45 days it shall be deemed approved as submitted and it shall be the Planning Department's duty to certify the approval.

Section 6.100: APPEAL PROCEDURE. An appeal of a decision or requirement of the Planning Commission or Planning Department relative to land partitionings shall be made in accordance with the provisions of Article 7 of this ordinance.

Section 6.110: SERIES PARTITIONING. Any division of land resulting in a series partitioning, as defined by this Ordinance, shall be approved by the Planning Commission. Applications for any such partitionings shall be made and processed in the same manner as a major partitioning. Approval requirements shall be the same as for any partitioning, however, the Commission shall deny any such partitioning when it is determined that such partitioning(s) are done for the purpose of circumventing applicable subdivision regulations.

Section 6.120: SURVEY AND IMPROVEMENT REQUIREMENTS. In the approval of any land partitioning, the need for a survey, and the needs for street and other public facility improvements shall be considered and such may be required as a condition of approval. Any survey and/or improvement requirements that may be required for a subdivision or other land development may be required for a partitioning, including bonding or other assurance of compliance.

Section 6.130: FINAL MAP REQUIREMENTS. Within 45 days of the approval of a partitioning, the partitioner shall have prepared and submitted to the County Planning Director a Final Partitioning Map prepared by a licensed surveyor and any other materials or documents required by the approving authority. Said Final Map shall provide a certificate for approval of the subject partitioning by the Planning Director. Upon such approval, the partitioner shall file a copy of said Final Map with the Planning Department, the County Surveyor and the County Assessor. A Final Partitioning Map prepared for this purpose shall comply with the recording requirements applicable to a Final Plat for a Subdivision.

## ARTICLE 7: VARIATIONS AND EXCEPTIONS

Section 7.010: AUTHORIZATION. Where the Planning Commission finds that extraordinary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the development pattern or these development regulations. In granting variances and modifications, the Planning Commission may require such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so varied or modified.

Section 7.020: APPLICATION. Applications for an exception will be made to the Planning Commission on a form prescribed by the Commission. The developer shall state fully the grounds of the application, the facts relied upon and any other data pertinent to the findings prerequisite to the granting of an exception prescribed in Section 6.030 of this Article.

Section 7.030: ACTION OF PLANNING COMMISSION. The Planning Commission shall consider the application for an exception at the same meeting at which it considers the preliminary map. An exception may be granted unqualifiedly, or may be granted subject to prescribed conditions, provided that the Planning Commission shall make all of the following findings:

- A. That there are special circumstances or conditions affecting the property that do not normally apply to other property and that such circumstances or conditions make it impossible or impractical to comply with the ordinance.
- B. That the exception is necessary for the proper design and/or function of the development.
- C. That the granting of the exception will not be detrimental to the public welfare or injurious to the property in the area in which the property is situated.
- D. The exception is necessary for the preservation and enjoyment of a substantial property right because of an extraordinary hardship which would result from strict compliance with the regulations of this ordinance.

The Planning Commission shall deny an application for an exception if the Commission cannot make the findings prescribed above.

Section 7.040: PLANNING COMMISSION ACTION ON VARIANCE. In granting or denying a variance, the Planning Commission shall make a written record of its findings and the facts in connection therewith,

and shall describe the variance granted and the conditions designated. The Planning Commission shall attach a copy of the variance and conditions to the approved plat.

Section 7.050: CONSTRUCTION FINANCING. Persons owning land in an agriculture, range or forest designation may obtain construction financing for housing or agricultural improvements from a lending institution or government agency. Should the lender require a portion of the property to be used for collateral for the loan, the property owner shall submit a plot plan and a written statement to the Planning Director describing the size of the parcels involved, the length and terms of the agreement and the purpose of the financing. The property owner shall certify that he/she understands that the financing agreement does not create separate parcels and that neither parcel may be sold or otherwise separated from the other except in the event of foreclosure by the lender.

#### ARTICLE 8: ADMINISTRATION, APPEALS

Section 8.010: CIVIL RELIEF. When any real property is or is proposed to be used, transferred, sold or disposed of in violation of this ordinance, the County Commission, the District Attorney, or any person whose interest in real property is or may be affected by the violation, may in addition to other remedies provided by law, institute injunction, mandamus, abatement, or other appropriate proceeding to prevent, temporarily or permanently enjoin, abate or set aside such use, transfer, sale, disposition, offer, negotiation or agreement. When a temporary restraining order is granted in a suit instituted by a person who is not exempt from furnishing bonds or undertakings under ORS 22.010, the person shall furnish undertakings as provided in ORS 32.060.

Section 8.020: FINDINGS. Approval or denial of an application for land development shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on criteria, standards and facts set forth.

- A. Written notice of the approval or denial shall be given to all parties to the proceedings within 10 days of said decision.

Section 8.030: APPEAL.

- A. A person may appeal to the County Commission from a decision or requirement made by the Planning Commission.

A person may appeal to the Planning Commission from a decision or requirement made by the Planning Department or other County Official. Written notice of the appeal must be filed with the Planning Department within 10 days after the decision or requirement is made for a minor partition, and within 30 days for a subdivision or major partition. The notice or appeal shall state the nature of the decision or requirement and the grounds for the appeal.

- B. The County Commission or Planning Commission shall hold a hearing on the appeal within 30 days from the time the appeal is filed. The hearing may be continued for good cause.
- C. The County Commission or Planning Commission may review a lower decision upon its own motion after giving 10 days notice to the parties involved in the decision. Notice of review must be given within 30 days of the action being reviewed.
- D. An appeal or review proceeding shall be based upon, but not limited to, the record of the decision being appealed or reviewed.
- E. Following the hearing the County Commission or Planning Commission may overrule or modify any decision of the County Commission or Planning Commission if the decision of the County Commission or Planning Commission complies with this Ordinance.
- F. The procedure and type of hearing for an appeal or review shall be prescribed by the County Commission.

Section 8.040: FEES. Applications or filings required by this Ordinance shall be accompanied by a filing fee of the amount established by order of the County Commission.

Section 8.050: NOTICE. Notice of any hearing on an application for subdivision or partition required by this ordinance shall be given to the applicant and property owners within 500 feet of the proposed development not less than 10 days before such hearing.

Section 8.060: PROCESSING TIME LIMITS. All actions required under this Ordinance shall be completed within 120 days from the date that a completed application is received and so certified by the County Planning Director. An extension to such time limit may only be initiated upon agreement and/or request therefore by the applicant.

