

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting the )  
Columbia County Subdivision )  
and Partitioning Ordinance )

ORDINANCE NO. 90-10

The Board of County Commissioners for Columbia County, Oregon ordains as follows:

SECTION I.            AUTHORITY.

This Ordinance is adopted under the authority granted by ORS 203.035, 92.044, 92.046 and 92.048 (1989).

SECTION II.           TITLE.

This Ordinance shall be known as Ordinance No. 90-10. Exhibit "A" may also be cited or referred to as the "Columbia County Subdivision and Partitioning Ordinance".

SECTION III.          PURPOSE.

The purpose of this amendment is to adopt the rules and regulations that reflect the changes in the law of subdivisions and partitions enacted by the 1989 Oregon Legislative Assembly.

SECTION IV.           ADOPTION.

The document entitled "Subdivision and Partitioning Ordinance of Columbia County", incorporated herein as Exhibit "A", is hereby adopted.

SECTION V.            REPEAL.

Ordinance No. 82-3 and No. 84-3 are repealed.

SECTION VI.           SEVERABILITY.

If for any reason any court of competent jurisdiction holds any portion of this ordinance invalid, such portion shall be deemed a separate, distinct and independent portion, and any such holdings shall not affect the validity of the remaining portions thereof.

SECTION VII.      EMERGENCY.

This ordinance being immediately necessary to maintain the public health safety and welfare, an emergency is declared to exist and this ordinance shall take effect on May 23, 1990.

REGULARLY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON THIS 23rd day of May, 1990.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: *John A. Peterson*  
Chairman

By: *May W. Dillard*  
Commissioner

By: *Michael J. Supers*  
Commissioner

Approved as to form

By: *Thomas A. Cunningham*  
Office of County Counsel

Attest:

*Cherie Maylan*  
Recording Secretary

First Reading:    05-23-90  
Second Reading: 05-23-90  
Third Reading:    n/a

Vote

Aye: XX    Nay:       
Aye: XX    Nay:       
Aye: XX    Nay:

EXHIBIT "A"

COLUMBIA COUNTY  
SUBDIVISION AND PARTITIONING  
ORDINANCE

ADOPTED BY ORDINANCE NO. 90-10 ON MAY 23, 1990

Repealing and Replacing

Ordinance No. 84-3 adopted August 1, 1984;  
Ordinance No. 82-3 adopted September 1, 1982; and  
Subdivision Ordinance for Columbia County adopted  
on December 11, 1974

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COLUMBIA COUNTY

SUBDIVISION AND PARTITIONING ORDINANCE

ARTICLE I. INTRODUCTORY PROVISIONS.

SECTION 101. TITLE.

This ordinance shall be known as the "Columbia County Subdivision and Partitioning Ordinance", and shall be cited herein as "this ordinance".

SECTION 102. PURPOSE.

The purpose of this ordinance is to establish standards and procedures for the partitioning of land in the County outside the boundaries of incorporated cities. These regulations are necessary in order to provide uniform procedures and standards for the subdivision of land, to assure adequate width of streets, to coordinate proposed development with plans for utilities and other public facilities, to avoid undue congestion of population, to assure adequate sanitation and water supply, to provide for the protection, conservation, and proper use of land and to protect in other ways the public health, safety and welfare. This ordinance is supplemental to the provisions of the Columbia County Zoning Ordinance of 1985. Where conflicts exist with the provisions of the Zoning Ordinance, this ordinance will take precedence.

SECTION 103. CONSTRUCTION AND DEFINITIONS.

The definitions of words used in this ordinance, and the construction of the words in provisions thereof, shall be as follows:

- A. Construction. The following rules of construction shall apply unless inconsistent with the plain meaning of the content of this ordinance.
- (1) Tense. Words used in the present tense include future tense.
  - (2) Number. Words used in the singular include the plural and words used in the plural include the singular.
  - (3) Shall and May. The word "shall" is mandatory; the word "may" is permissive.
  - (4) Gender. The masculine shall include the feminine and neuter.
- B. Terminology. The word "county" shall mean the County of Columbia, State of Oregon. The word "board" shall mean the Board of County Commissioners. The words "planning commission" and "commission" shall mean the County Planning Commission of the County of Columbia, duly appointed by the Board of County Commissioners. The words "planning director", "county roadmaster",

"assessor", "county sanitarian", "county surveyor", and "tax collector" shall mean the Planning Director, Engineer, Assessor, Sanitarian, Surveyor, and Tax Collector of the County of Columbia or their designated representatives.

C. Definitions. Consistent with the definitions of ORS 92.010, for the purpose of this ordinance, the following words and phrases shall mean:

- (1) Access. The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
- (2) Alley. A public way or thoroughfare not more than 30 feet wide providing a secondary means of access to private property.
- (3) Applicant. The recorded owner or owners of a unit, area, or tract of land or contiguous units, areas, or tracts proposing the subdivision or partitioning, of said units, areas, or tracts, including any authorized representative of the owner or owners.
- (4) Arterial. A street primarily used for through traffic serving county-wide needs.
- (5) Block. A group of lots, tracts, or parcels within well defined boundaries, usually streets.
- (6) Building Lines. The lines indicated on the subdivision plat or otherwise described, limiting the area upon which structures may be erected.
- (7) Centerline. The centerline of a street shall be the line that coincides with the centerline of the original right-of-way or as established by the County Engineer, Roadmaster, or County Surveyor.
- (8) Collectors, Street or Road. A street used to carry traffic between local streets and arterials, used to some extent for through traffic and to some extent for local access.
- (9) Comprehensive Plan. A plan adopted by the Board of County Commissioners for the guidance of growth and improvement of the County which has been prepared and adopted in conformance with ORS Chapter 215 and ORS Chapter 197.
- (10) Cul-de-sac (dead-end street). A minor street with only one outlet having sufficient space at the closed end to provide vehicular turn around.
- (11) Curbline. The line indicating the edge of the vehicular roadway within the overall right-of-way.



- (12) Developer. Any person, corporation, partnership, or other legal entity who creates or proposes to create a land development and includes any agent of a developer.
- (13) Development. The improvements of land, including the building of structures, dwellings, mobile home parks and campsites, which may intensify or change its use while retaining the total land under single ownership and control, such as a dude ranch, corporation, or rental project.
- (14) Development Permit. Any permit required by this or any other Columbia County ordinance as a prerequisite to the use or development of any land including a building, land use, septic tank connection, or other similar permit.
- (15) Documents. When used in reference to a subdivision, shall mean one or more or all of the following: deed restrictions, protective covenants, bonding agreement, and the homeowners' association agreement.
- (16) Dwelling Unit. One or more rooms in a structure designed for occupancy by one family with not more than one cooking and food preparation facility.
- (17) Easement. The grant of the right-of-way of use across or through a parcel of land.
- (18) Engineer. Licensed, practicing engineer hired by the County as County Engineer or, in absence of the County Engineer, the Roadmaster or any other person designated as County Engineer by the board.
- (19) Frontage Road. A minor street substantially parallel and adjacent to an arterial street, providing access to abutting properties and separation from through traffic.
- (20) Half Street. A portion of the standard width of a street along the boundary of a land division where the remaining portion of the street width could be provided from the adjoining property.
- (21) Improvements. Anything which increases the value or utility of a development or subdivision including utilities, roads, sidewalks, landscaping, trails, dwelling units, recreational equipment, etc.
- (22) Lot. Means a unit of land that is created by a subdivision of land.
- (23) 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.

- (24) Lot, Corner. A lot which has at least two adjacent sides abutting streets other than alleys.
- (25) Lot, Through. A lot having frontage on two parallel or approximately parallel streets other than alleys.
- (26) Major Partition. A partition which includes the creation of a street or road, but not the widening of an existing street or road and which creates a total of three or fewer parcels.
- (27) Minor Partition. A partition which does not involve the creation of a street but may involve the widening of an existing street.
- (28) Negotiate. Means any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to advertising, solicitation and promotion of the sale of such land.
- (29) Open Space. The term "open space" shall mean and include those lands within a subdivision which have been dedicated in common to the ownership within the subdivision or to the public specifically for the purpose of providing places for recreational use or for scenic purposes.
- (30) Oversizing. The construction of main utility lines such as sewer and water lines to sizes which are greater than necessary to provide for the immediate needs of proposed development. The main utility lines are sized to meet the ultimate capacity of the area in which they run.
- (31) Parcel. Means a unit of land that is created by a partitioning of land.
- (32) Partition. Means either an action of partitioning land or an area or tract of land partitioned as defined in this ordinance.
- (33) Partition Land. "Partition land" means to divide land into two or three parcels within a calendar year, but does not include:
- A. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or
  - B. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance; or
  - C. A sale or grant by a person to a public agency or public body for state highway, county road, city street or

other right of way purposes provided that such road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r).

- (34) Partition Plat. Includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor partition.
- (35) Pedestrian Path and Bikeway. A right-of-way easement for pedestrian, bicycle, or other non-motorized traffic.
- (36) Person. The term includes an individual, a partnership, a public or private corporation, an association, or a club or any group or combination acting as a unit.
- (37) Plat. Includes a final subdivision plat, replat or partition plat.
- (38) Preliminary Plat. The applicant's proposal for subdivision or partition and consists of the drawings, written information and supplementary material required by this ordinance.
- (39) Private Driveway. A road that provides access to only one lot or parcel and joins with an approved private road, public road, or county road.
- (40) Private Road or Private Street. A road which has been created to provide access to the parcels of a major partition. Such a road is normally a nonexclusive easement. This road has not been dedicated for public use.
- (41) Public Road or Public Street. A street which has been dedicated for public use or which is proposed to be dedicated for public use in a division of land.
- (42) Replat. Includes a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, location, specifications, dedications and provisions and information concerning a recorded subdivision.
- (43) Right-of-way. The area between the boundary lines of a street, easement, or other dedicated area for pedestrian or vehicular circulation.
- (44) Road or Street. Means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining, or agricultural purposes.

- (45) Rural Area. The area of Columbia County which is outside the urban growth boundaries.
  - (46) Sales or Sell. Includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.
  - (47) Sidewalk. A pedestrian walkway with an all weather surface.
  - (48) Subdivide Lands. Divide an area or tract of land into four or more lots within a calendar year.
  - (49) Subdivision. Either an act of subdividing or an area or a tract of land subdivided as defined in this ordinance.
  - (50) Subdivision Plat. Includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
  - (51) Urban Area. The unincorporated areas of Columbia County located within the Urban Growth Boundaries (UGB) as designated by the Columbia County Comprehensive Plan.
- D. Abbreviations. The following abbreviations are used in this ordinance:
- 1. CPAC. Citizen Planning Advisory Committee.
  - 2. Mil. Millimeter.
  - 3. ORS. Oregon Revised Statutes.
  - 4. UGB. Urban Growth Boundary.

SECTION 104. BOARD'S FINDINGS CONCERNING LAND DIVISION TYPES.

The Board of County Commissioners finds that:

- A. The County Comprehensive Plan, being amended and adopted in accordance with the Statewide Planning Goals, Citizen Planning Advisory Committee (CPAC) and Planning Commission recommendation, classifies certain County lands as within the Urban Area and therefore suitable for intensive development, and other lands as within the Rural Area and therefore suitable for agricultural, forest, natural resource, and other non-intensive uses.
- B. Land division proposals, consisting of subdivisions, major partitions and minor partitions, are steps in the land development process which should be encouraged in the Urban Area where supportive services exist, subject to review for conformance with the Comprehensive Plan and other legal requirements.

- C. Procedures governing land divisions in the Urban Area should be expedient and inexpensive while protective of the public interest. The determination of whether an administrative or public hearing review should be required depends on the size, location, and foreseeable impacts on the community of a given land division proposal.

SECTION 105. LAND DIVISION APPROVAL AUTHORITY DELEGATED.

Based upon the above findings, the Board hereby:

- A. Delegates to the Planning Department the authority to approve major and minor partitions once the Department determines that the proposed major or minor partition meets all of the standards for a major or minor partition set forth in this ordinance.
- B. Delegates to the Planning Commission the authority to approve subdivisions and to grant any variance from the standards set for a major or minor partition and subdivision.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGONIN THE MATTER OF SETTING STANDARDS FOR  
STREETS AND ROADS IN COLUMBIA COUNTY

No. 29-75

R E S O L U T I O N

WHEREAS, it appearing to the Board of County Commissioners that there is a need to establish county-wide standards to govern the construction of roads and streets in Columbia County before the said roads and streets may be considered for adoption into the Columbia County Road System, and

WHEREAS, it appearing that such standards would be more advantageous to the general public by making the roads and streets safer and more uniform,

## IT IS HEREBY RESOLVED THAT:

- (1) The standards for street and road construction attached hereto be adopted for the area of Columbia County outside incorporated cities; and shall apply to all streets and roads constructed within Columbia County whether they are within a subdivision or not, and these standards shall supersede all prior standards.
- (2) The Columbia County Roadmaster or Engineer shall inspect all streets and roads constructed within Columbia County, including those within subdivisions and those used to partition land, to see that these standards are met.
- (3) The standards set out in this resolution may be varied by the Board of Commissioners in its discretion based upon the recommendation of the Columbia County Planning Commission or Roadmaster. The recommendation of the Planning Commission or Roadmaster shall take into consideration conditions prevailing at the place in question.
- (4) These standards, as set out above or varied by the Board of Commissioners, must be met before a road or street may be considered for acceptance into the Columbia County road system. However, the acceptance or rejection of any road within the county road system is within the discretion of the Board of Commissioners and compliance with these standards will not mean that the road will necessarily be accepted into the county road system.
- (5) As an interim measure to define the urban, urban fringe and rural areas addressed in the attached standards, and until Comprehensive Plans are adopted for the entire county clearly defining these areas the following definitions shall apply:

URBAN AREA:

Those areas within the city limits of any city within Columbia County.

URBAN FRINGE AREA:

Any area outside an incorporated city with the availability of public water.

RURAL AREA:

All other areas.

Dated at St. Helens, Oregon 23 day of April, 1975.

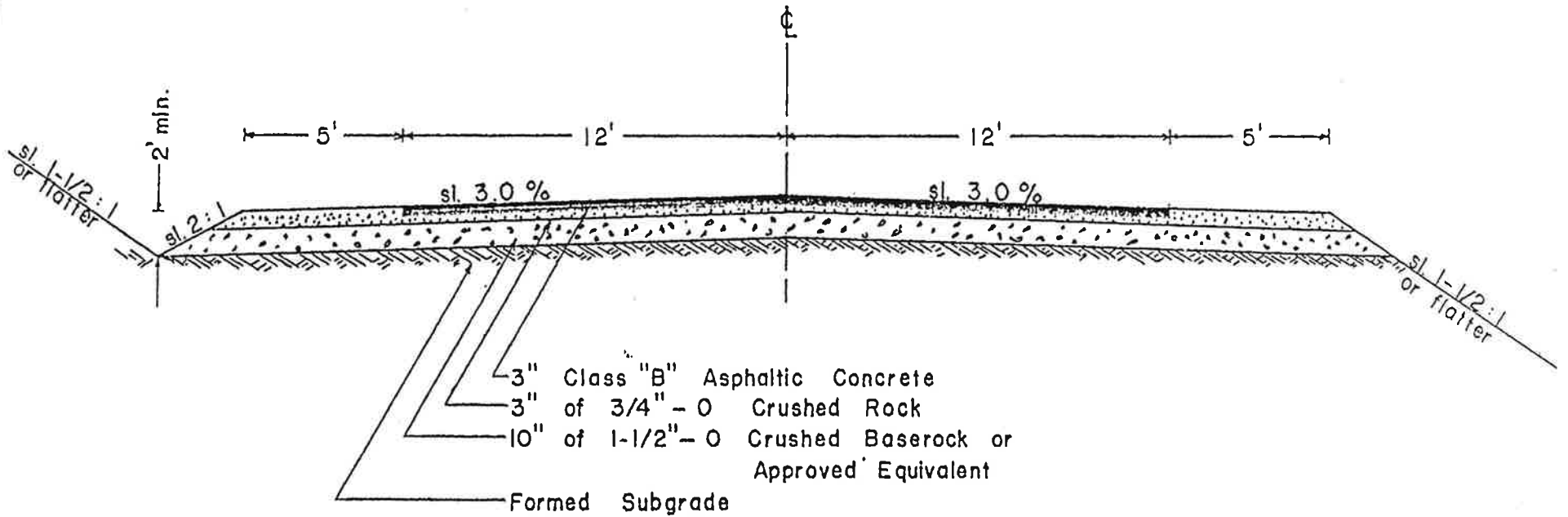
COLUMBIA COUNTY BOARD OF COMMISSIONERS

Paul Johnson  
Chairman

C. W. Horn  
Commissioner

Jack Winkoff  
Commissioner

Variable Right of Way  
60' min.

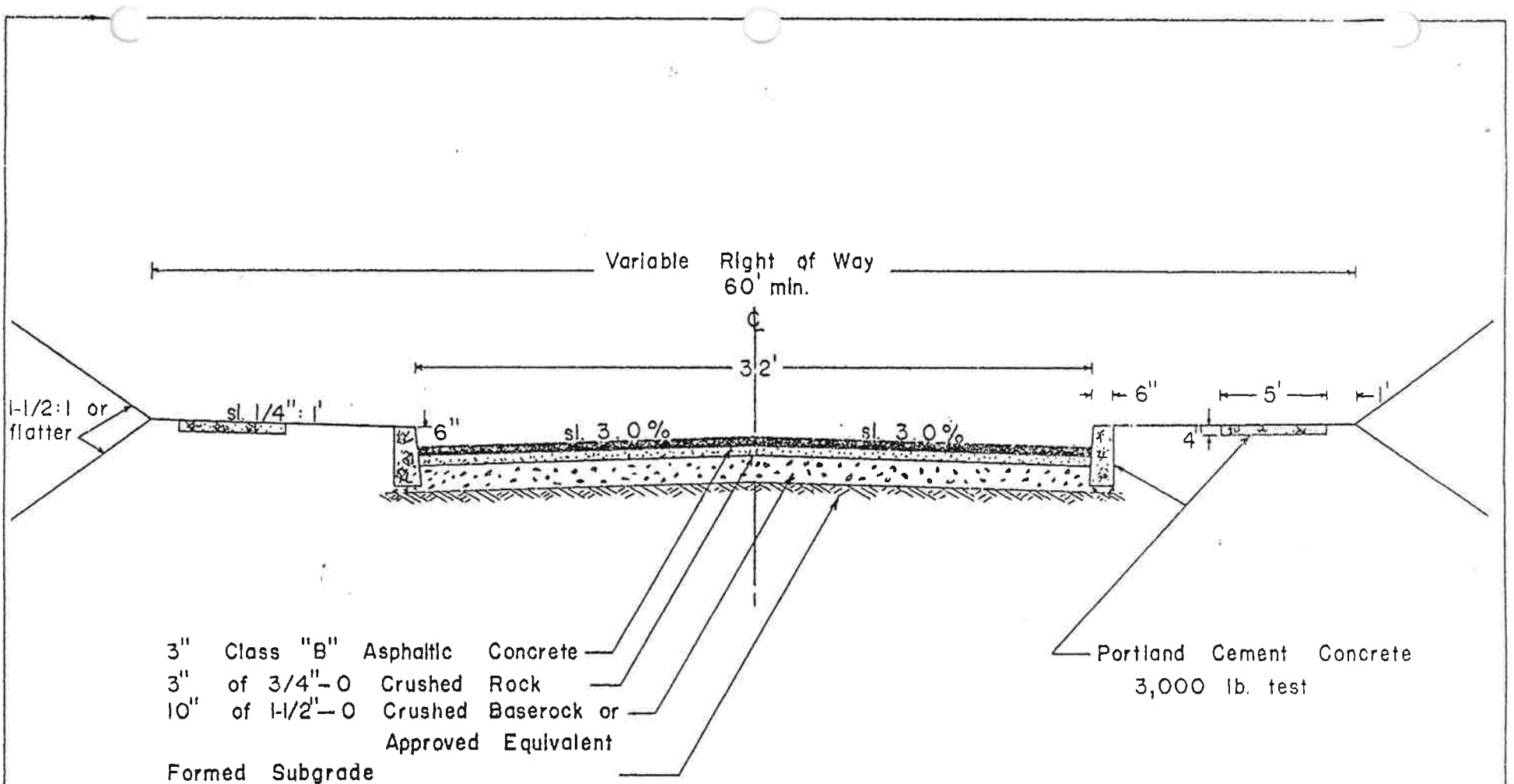


COLUMBIA COUNTY  
ROAD DEPARTMENT

TYPICAL 34'  
ROAD BED

Approved	County Engineer
DRNG. NO. R-1	JULY 1974





COLUMBIA COUNTY  
ROAD DEPARTMENT

TYPICAL 32' ROAD BED  
WITH  
CURBS AND SIDEWALKS

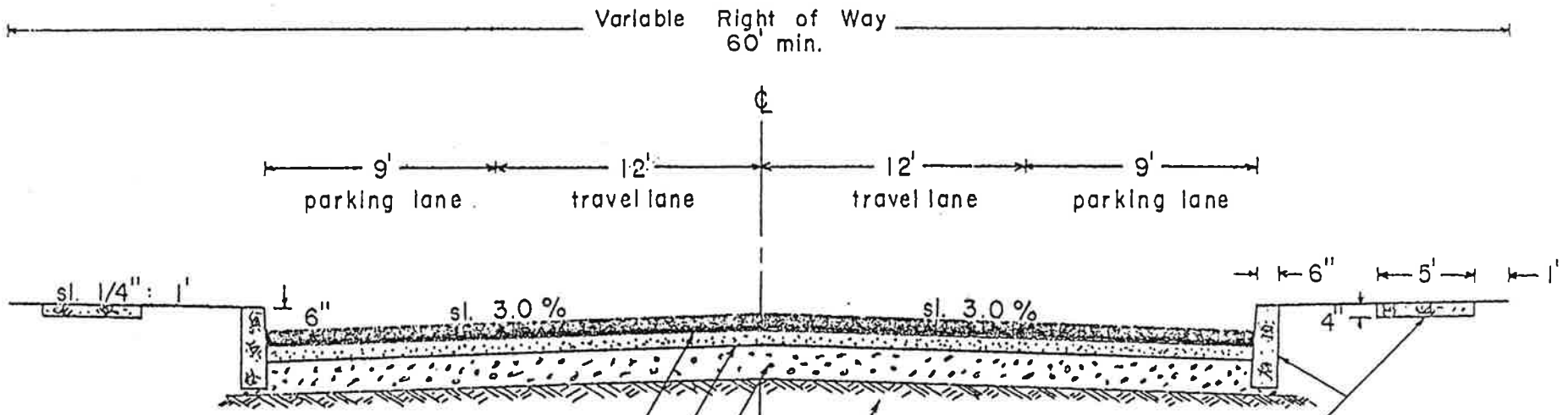
Approved

County  
Engineer

DRNG.

R-2

JULY 1974

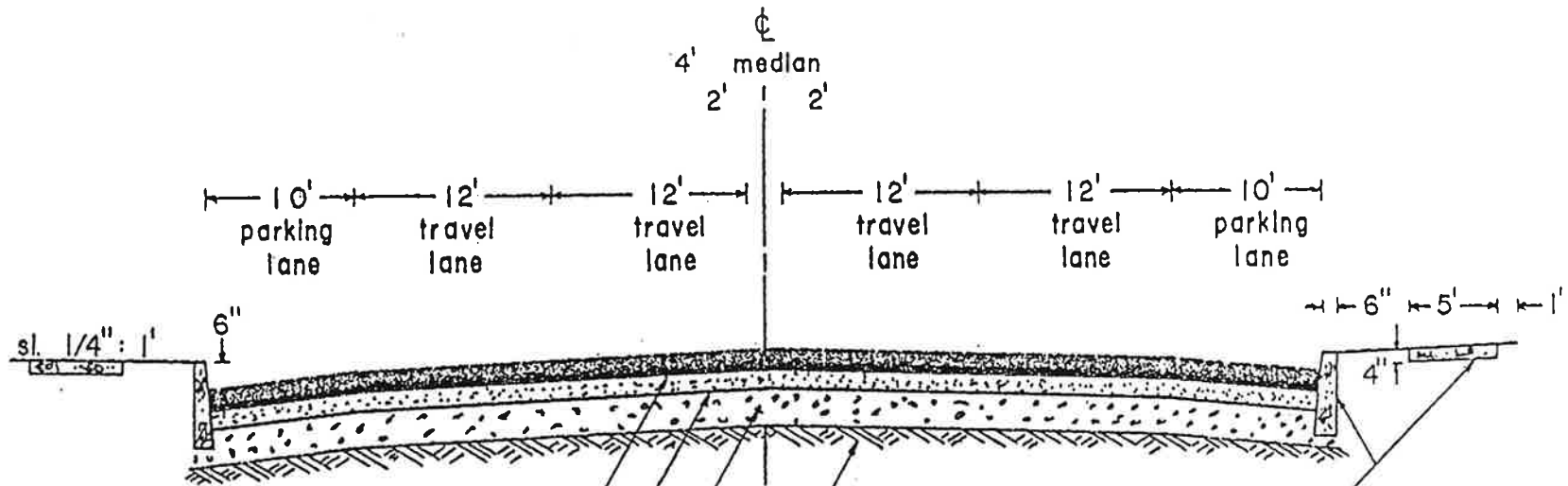


- 4" Class "B" Asphaltic Concrete
- 3" of 3/4" - 0 Crushed Rock
- 12" of 1-1/2" - 0 Crushed Baserock or Approved Equivalent
- Formed Subgrade

Portland Cement Concrete  
3,000 lb. test

COLUMBIA COUNTY ROAD DEPARTMENT	
TYPICAL 42' ROAD BED WITH CURBS AND SIDEWALKS	
Approved	County Engineer
DRNG. NO. R-3	JULY 1974

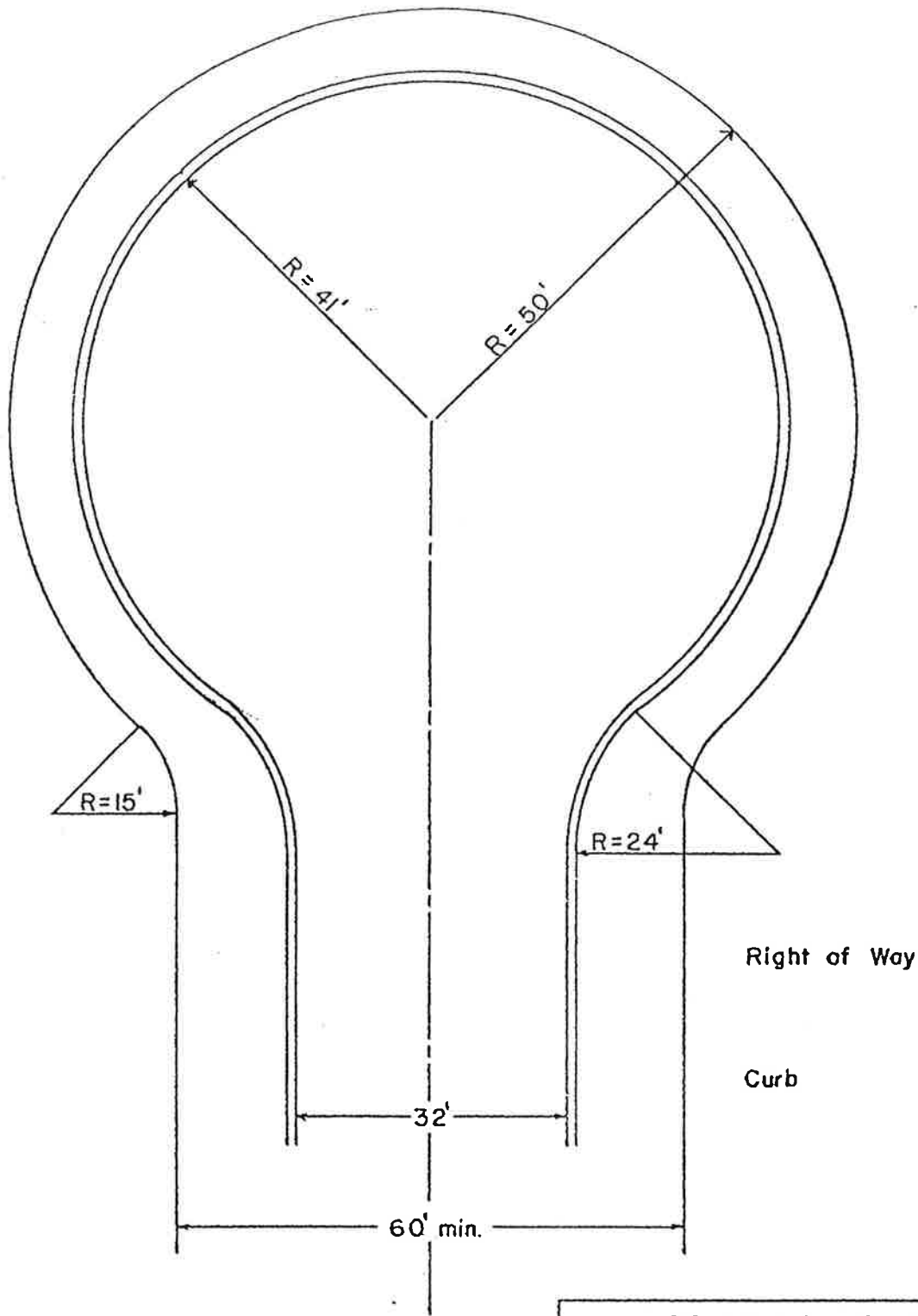
Variable Right of Way  
90' min.



4" Class "B" Asphaltic Concrete  
 3" of 3/4"-Ø Crushed Rock  
 12" of 1-1/2"-Ø Crushed Baserock or  
 Approved Equivalent  
 Formed Subgrade

Portland Cement Concrete  
 3,000 lb. test

COLUMBIA COUNTY ROAD DEPARTMENT	
TYPICAL 72' ROAD BED WITH 4' MEDIAN CURBS AND SIDEWALKS	
Approved	County Engineer
DRNG. NO. R-4	JULY 1974



COLUMBIA COUNTY  
ROAD DEPARTMENT

TYPICAL CUL-DE-SAC

Approved

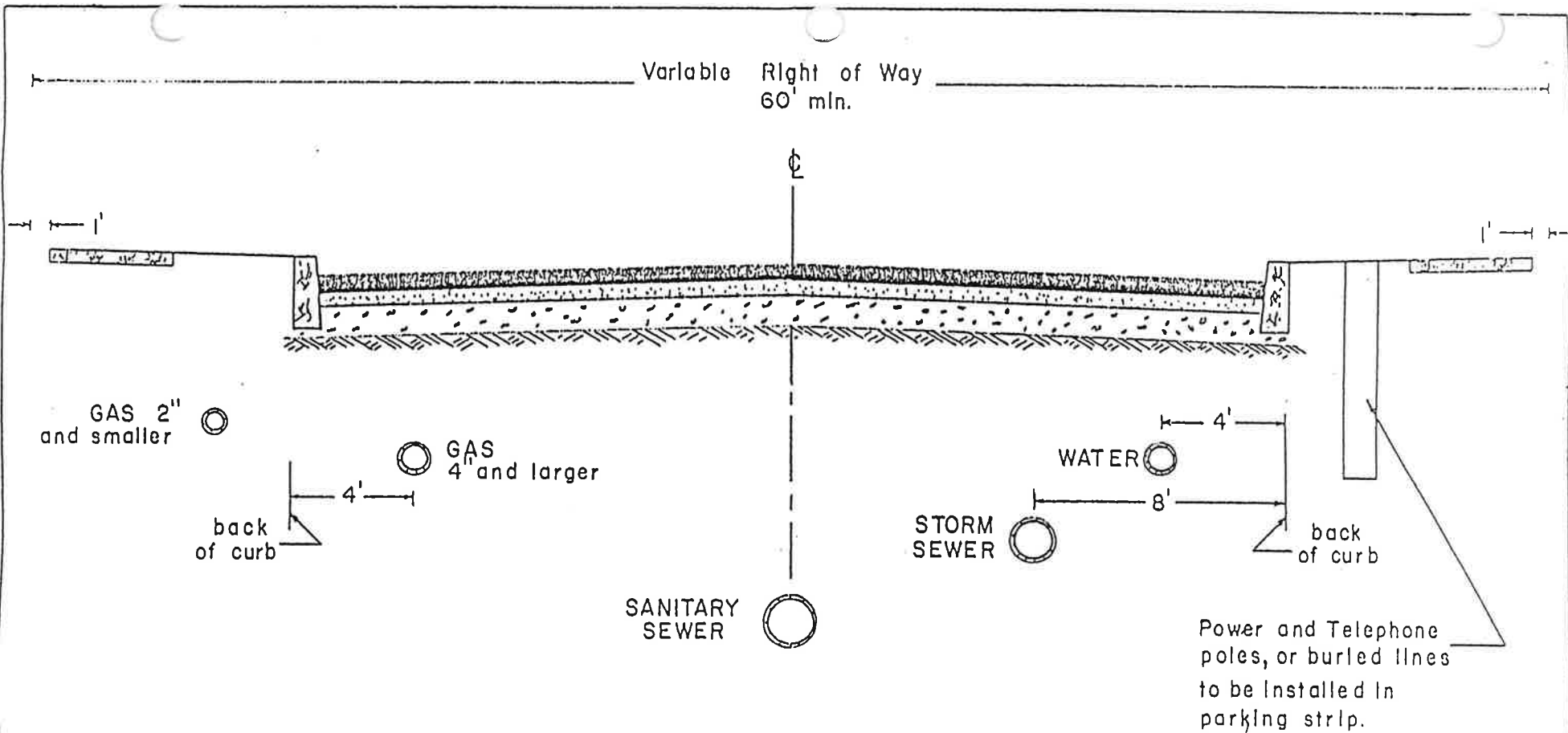
County  
Engineer

DRNG.

NO.

R-5

JULY 1974



**NOTE:**

Backfill to be in compacted 6" lifts with minimum of 24" cover over pipe.

Gas line on North and West sides of street.

Water line on South and East sides of street.

Sanitary sewer in center of roadway.

Power and Telephone poles, or buried lines to be installed in parking strip.

COLUMBIA COUNTY ROAD DEPARTMENT	
STANDARD PLACEMENT OF UTILITY LINES	
Approved	County Engineer
DRNG. NO. R-6	AUGUST 1974



COLUMBIA COUNTY ROAD

AREA	PROJECTED LOT SIZE	ARTERIAL STREETS		COLLECTOR STREETS		LOCAL STREETS	
		RIGHT OF WAY	PAVED WIDTH	RIGHT OF WAY	PAVED WIDTH	RIGHT OF WAY	PAVED WIDTH
1 URBAN	7500 Sq. Ft. to 1/2 acre	90'	42'	70'	42'	60'	42'
	1/2 acre to one acre	90'	42'	70'	32'	60'	32'
2 URBAN FRINGE	1/2 acre to one acre	90'	32'	70'	32'	60'	32'
	one acre to two acres	80'	32'	70'	32'	60'	32'
	two acres to five acres	80'	24'	60'	24'	60'	24'
3 RURAL	five acres to twenty acres	60'	24'	60'	24'	60'	24'
	greater than twenty acres	60'	24'	60'	24'	60'	24'

FOR STANDARD PLACEMENT OF UTILITY LINES SEE CROSS SECTION R-6  
 STREETS IN INDUSTRIAL DISTRICTS SHALL HAVE A MINIMUM 90' RIGHT-OF-W.  
 ALL DEAD END STREETS SHALL TERMINATE IN A CUL-DE-SAC.

ARTICLE II. ADMINISTRATION AND GENERAL PROVISIONS.

SECTION 201. COMPLIANCE WITH THE OREGON LAW OF SUBDIVISIONS AND PARTITIONS.

In addition to the provisions set out in this Ordinance, any land division shall be in compliance with the requirements of ORS 92.010 to 92.190 (1989 Edition or their successors), which are attached hereto, labeled Attachment "1" and incorporated herein by this reference.

SECTION 202. AUTHORITY.

Pursuant to ORS Chapter 92 (1989 Edition), which enables each county the control of the subdivision and partitioning of land within its boundaries, the Board of County Commissioners for Columbia County does hereby exercise the power and authority to review, approve and disapprove plans for the subdivision or partitioning of land within the boundary of the County.

SECTION 203. INTERPRETATION.

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

SECTION 204. CONFLICT WITH PUBLIC AND PRIVATE PROVISIONS.

- A. Public Provisions. The regulations are not intended to interfere with or annul any other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
- B. Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of the Commission in approving a subdivision or in enforcing these regulations, and such private provisions are not inconsistent with these regulations or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.



SECTION 205. APPLICATION FOR APPROVAL OF SUBDIVISION OR PARTITION TENTATIVE PLAN.

- A. Preliminary Sketch and Discussion. Prior to commencing the application process required by ORS 92.040 et seq., the applicant proposing the subdivision or partition shall submit a sketch to the Planning Department and discuss the property to be divided with respect to the standards of this ordinance, the requirements of state law, any existing private and public development, the relationship to the Comprehensive Plan, and any special problems that may be encountered. The discussion shall include any modification or changes in the sketch plan if the plan, as submitted, does not meet the objectives of those local and state laws.
- B. Compliance With County Ordinances. The Planning Department shall not approve any tentative plan for any proposed subdivision or partition unless the plan complies with the Columbia County Zoning Ordinance, as amended, applicable regulations, this ordinance and any other county ordinance.

SECTION 206. CONDITIONS.

The developer has the duty to comply with reasonable conditions laid down by the Commission or Planning Department for the design, dedication, improvement and restrictive use of the land so as to conform to the future physical and economical development of the County at large.

SECTION 207. RE-SUBDIVISION OR RE-PARTITION OF LAND.

- A. Changes in Approved Partitions and Subdivisions. For any change in a map of an approved or recorded subdivision or partition, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions or partitions, such parcel shall be reviewed by the Commission or Planning Department under the same procedure, rules and regulations as for a subdivision or partition.
- B. Procedure of Subdivision or Partition Where Future Re-Subdivision is Indicated. Whenever a parcel of land is divided and the subdivision or partition plat shows one or more lots which, due to their size, shape, topography or frontage could be further divided, the Commission or Planning Department may require that such parcel of land allow for the future opening of streets and ultimate extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

SECTION 208.      TERMINATION OF TENTATIVE PARTITION OR SUBDIVISION APPROVAL.

Failure by the developer to submit a final plat within one year of the date of the approval, or conditional approval, of the tentative plan, shall terminate all proceedings. Upon application of the developer in writing, an extension of time not exceeding six calendar months may be granted by the Planning Department for partitions, or by the Commission for subdivisions or planned unit developments. In the event the developer's application for extension is denied, the developer may appeal to the next highest governing body. Where proceedings have terminated because of failure to receive extension, a new tentative plan shall be filed in accordance with the provisions of this ordinance.

SECTION 209.      VACATION OF PLATS.

- A. Any plat or any part of any plat may be vacated by the owner of the premises at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.
- B. Such an instrument shall be approved by the Commission. The Commission may reject any such instrument which abridges or destroys any public rights in any of its public uses, improvements, streets, or alleys.
- C. Such an instrument shall be executed, acknowledged or approved, and recorded or filed in like manner as plats; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described in such plat.
- D. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

SECTION 210.      VARIANCES.

- A. General. Where the Commission finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further, provided the Commission shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property.
  - (2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
  - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.
  - (4) The variances will not, in any manner, vary the provisions of the Zoning Ordinance and the County Comprehensive Plan.
  - (5) The variance is necessary for the proper design and function of the subdivision or partition.
- B. Conditions. In approving variances, the Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- C. Procedures. A request for any such variance shall be submitted in writing by the applicant at the time when the preliminary plan is filed at least 35 calendar days prior to the Commission meeting for their consideration. The request shall state fully the grounds for the application and all of the facts relied upon by the petitioner. One-half of the required fee for a variance shall accompany the request.

SECTION 211. ENFORCEMENT, VIOLATIONS, AND PENALTIES.

A. General.

- (1) The Director shall have the discretion, as the resources available to him or her allow, to enforce these regulations and to bring to the attention of the Board any violations or lack of compliance herewith. Enforcements shall be handled under the provisions of the Columbia County Enforcement Ordinance.
- (2) No owner, or agent of the owner, of any parcel or lot of land located in a proposed subdivision or partition shall transfer or sell any such parcel or lot before a plat or map has been approved in accordance with the provisions of these regulations.
- (3) The subdivision or partitioning of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations shall not be permitted. All such

described subdivisions or partitions shall be subject to all the requirements contained in these regulations.

- (4) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.
- B. Violations and Penalties. Any person who fails to comply with or violates any of these regulations may be subject to a fine or imprisonment pursuant to ORS 92.990. Any violations of this Ordinance may also be subject to the provisions of the Columbia County Enforcement Ordinance.
  - C. Civil Enforcement. In addition to the remedies described above, the County may commence appropriate legal proceedings in order to: prevent any violation of these regulations; prevent unlawful building construction; recover damages; restrain, correct or abate a violation; and to prevent illegal occupancy of a building, structure or premises.

SECTION 212. RECORDING OF SALES.

The buyer of any land within Columbia County shall record the instrument evidencing the sale in the Columbia County Clerk's Office.

SECTION 213. NOTICE REQUIREMENTS.

- A. Notice of Public Hearing Items. The Planning Department shall provide notice of any required public hearings, in writing, to the applicant and owners of record of property on the most recent property tax assessment roll where such property is located:
  - (1) Within 100 feet of the property which is the subject of the notice where the subject property is wholly or in part within an urban growth boundary;
  - (2) Within 250 feet of the property which is the subject of the notice where the subject property is outside an urban growth boundary and not within a farm or forest zone; or
  - (3) Within 500 feet of the property which is the subject of the notice where the subject property is within a farm or forest zone.

The notice shall contain all the information required by ORS 197.763(3), and shall be mailed at least 20 days before the hearing.

- B. Notice of Administrative Application. Adjoining property owners within the same distances as noted in Section 213.1 shall be notified of the request and the Planning Director's decision, as shall the CPAC and any required agencies. Any of these parties shall be given 14 calendar days in which to respond, and may re-

quest the application be referred to the Planning Commission for consideration. If such a request is made with the appropriate fee, the request will be placed on the next possible Planning Commission agenda.

SECTION 214. DISTRIBUTION OF SUBDIVISION AND PARTITION PLANS.

Upon receipt of the proposed land division, the Planning Department shall transmit one copy to each of the following for their review and recommendations, except when previously routed by the developer.

- \* CPAC
- \* County Surveyor
- \* County Roadmaster
- \* County Sanitarian
- \* County Assessor
- \* Board of County Commissioners
- \* Any city, if the land division is located within that city's Urban Growth Boundary
- \* The State of Oregon Highway Division, when applicable
- \* School districts within which jurisdiction of the land division is located
- \* Any other affected public district
- \* Any public, private, or municipal utility serving the area
- \* Any fire protection agency involved
- \* State of Oregon Department of Forestry, when applicable
- \* State of Oregon Department of Fish and Wildlife, when applicable
- \* State of Oregon Department of Land Conservation and Development, when applicable
- \* Any affected federal agency

At a minimum the developer shall provide 20 copies. Additional copies shall be provided by the developer within 14 calendar days when necessary to permit transmittal to all parties listed above. Transmittal shall include a request for comments and recommendations which may assist the Commission in their review of the proposal. These officials and agencies shall have 20 days in which to review and to submit to the Planning Director any revisions that appear to be indicated in the public interest.

SECTION 215. APPEAL PROCEDURES.

An appeal of any decision, or any condition(s) of approval made under this ordinance shall follow the appeal procedure as set forth in Section 1700, et seq., of the Columbia County Zoning Ordinance, as amended.

ARTICLE III. PRELIMINARY PLAT FOR SUBDIVISION.

SECTION 301. FILING PROCEDURE.

- A. The subdivider shall prepare a preliminary plat in accordance with the provisions of this ordinance and ORS Chapter 92 and shall file it with the County Planning Department at least 35 calendar days prior to the Commission meeting at which consideration is desired. The subdivider shall complete such filing prior to the initiation of any construction work within the proposed subdivision which might be affected by change in the preliminary plat.
- B. The time of filing shall be construed to be the time when the preliminary plat is filed and officially received by the County Planning Department.
- C. The subdivider shall file 20 copies of the preliminary plat, together with an application, in writing, and the required fee to the County Planning Department.
- D. The applicant shall address the availability of public facilities and services for the proposed development. In those instances where public facilities and services are not available or adequate to support the proposed use, the Department may deny the subdivision request or grant approval with sufficient conditions to assure compliance with the policies of the Public Facilities and Services element of the Plan.

SECTION 302. FORM AND SCALE OF PRELIMINARY PLAT.

The preliminary plat 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 preliminary plat shall be one inch equals 100 feet for areas under 50 acres; one inch equals 200 feet for areas under 640 acres; but in no case shall the scale exceed one inch equals 400 feet.

SECTION 303. INFORMATION ON PRELIMINARY PLAT.

The preliminary plat shall include:

A. General Information:

- (1) A subdivision name which does not conflict with the name of an existing subdivision, or any name on a recorded plat in Columbia County.
- (2) Name and address of the owner and/or subdivider.
- (3) Name and address of the licensed surveyor who prepared the plat.

- (4) Date of preparation, north point, scale, approximate acreage and boundary line.
- (5) Appropriate identification clearly stating the map is a preliminary plat.
- (6) Section, range, township in which proposed subdivision is located and Tax Account Number.

B. Existing Conditions:

- (1) The location, names, and widths of improved and unimproved streets within or adjacent to the subdivision.
- (2) The location, width, and use or purpose of any easement on the property.
- (3) Contour lines sufficient to show the direction and general grade of land slope. Contours shall be at one foot intervals for slopes of less than 10%, 5 foot intervals for slopes of 10% to 20%, and at 10 foot intervals for slopes greater than 20%. Such ground elevations shall be related to some established bench mark (where possible).
- (4) The location and directions of natural water courses and areas subject to flooding.
- (5) The location of structures, irrigation canals and ditches, pipelines, railroads, and any natural features, such as rock out-croppings, marshes, and wooded areas. Also, the record high water line for any water course.
- (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) A vicinity map showing: the relationship of the proposed subdivision to the surrounding development, streets, any public sewer and water utilities, extent and availability of electric and gas utility facilities, and the location of any existing septic systems or wells on the property.

C. Information Concerning Proposed Development:

- (1) The location, names, width, approximate grades, and curved radii of all proposed streets.
- (2) The location, width, and purpose of proposed easements.
- (3) The location and approximate dimensions of lots, proposed lot and block numbers.

- (4) The location, approximate acreage, and approximate dimensions of areas proposed for public use.
- (5) The proposed use of any lot which is not intended for single-family residential use.
- (6) An outline of the areas proposed for partial recording of a final plat if phased 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, and the location of any proposed water lines.
- (9) Proposed method of sewage disposal, and the location of any proposed sewer lines which will serve the subdivision if applicable.
- (10) Draft of proposed restrictions and covenants affecting the plat.
- (11) The method of disposing stormwater runoff caused by this subdivision, which, if applicable, shall include both on and off-site improvement necessary to deal with storm water generated by the proposed subdivision.
- (12) Statement pertaining to types and dimension of roads and who will be responsible for their maintenance.
- (13) If, upon investigation by the Commission, it is found that additional information is necessary, it shall be furnished by the applicant.

SECTION 304. STATEMENT TO ACCOMPANY PRELIMINARY PLAT.

The preliminary plat shall be accompanied by written statements giving essential information regarding the following matters:

- A. Water Supply. In addition to the requirements imposed by Section 410 of this ordinance, a statement of the proposed method of water supply, including source, quality, quantity, and method of distribution.

Where the proposed source of water is by an individual or community wells, proof of an adequate supply of water for all anticipated needs of the platted area shall be presented. Proof of an adequate supply may consist of:

- (1) Test wells drilled with adequate frequency to demonstrate the general availability of water; or



- (2) A hydrology report documenting the availability of water and the general history of wells in the area (taken from well logs).
  - (3) Certification by the State Watermaster of adequate amounts of potable water to serve the proposed use(s).
- B. Water Right. A statement of water right and, if a water right is appurtenant, a copy of the acknowledgment from the Water Resources Department.
  - C. Sewage Disposal. A statement of feasibility for the proposed method of sewage disposal from the appropriate state and/or county agencies.
  - D. Estimated Schedule. The estimated time when improvements are proposed to be made or installed.
  - E. Public and Private 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, and that satisfactory arrangements have been made as to the cost for financing the utility installation.
  - F. Fire Protection. A letter indicating the proposed method of fire protection.
  - 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 any provisions of this ordinance.

SECTION 305. LANDS SUBJECT TO HAZARDOUS CONDITIONS.

Lands which the Commission has found to be unsuitable for development due to flooding, poor drainage or ponding, steep slopes, rock formations, or other features likely to be harmful to the safety and general health of the future residents, and which the Commission considers inappropriate for development, shall not be developed for building purposes and shall be used for open space unless adequate methods for overcoming these conditions are submitted and approved by all appropriate agencies.

SECTION 306. PRELIMINARY SUBDIVISION APPROVAL.

- A. The Planning Director shall set a date for the Commission to consider the preliminary plat at the earliest possible date, but in any case they shall act upon the proposed subdivision within 120 calendar days from the date of formal submittal of the proposal. When the Commission feels that further information is necessary to take proper action on the preliminary plat, the Commission may continue action on the proposal.

- B. The Planning Director shall submit the preliminary plat, along with the recommendations of agencies, to the Commission. The Commission shall consider the recommendations of other agencies and determine whether the preliminary plat is in conformity with the provisions of this ordinance. Upon that basis, the Commission shall approve, conditionally approve, or disapprove the proposed subdivision. Within seven calendar days of Commission action on the subdivision, the Planning Director shall report such action, in writing, directly to the subdivider and his engineer or, if there is no engineer, to the surveyor. Approval of the preliminary plat shall constitute approval of the final plat, subject to the requirements of Article VIII of this Ordinance, if there is no change in the plat of the subdivision at the time of filing the final plat. If the plat is disapproved by the Commission, the reasons therefore shall be set forth in the report to the subdivider.

If the preliminary plat is approved subject to conditions, conditions shall relate only to the authority granted to the Commission by this ordinance. A preliminary plat approved subject to conditions by the Commission need not be revised to reflect such conditions, but such conditions shall be reflected in the preparation of the final plat.

- C. If no action is taken by the Commission within the time limits prescribed above in this section, the subdivision, as filed, shall be deemed to be approved and it shall be the duty of the Planning Director to certify the approval.
- D. Within seven calendar days after the date of the Commission's action, the Planning Director shall transmit the complete record of its review and action to the Board. Upon receipt of the record, the Board may review the decision of the Commission. The Board may affirm, reverse, or modify the decision of the Commission, provided that such decision is not in conflict with the provisions and intent of this ordinance. Unless notified within 21 calendar days, the decision of the Commission shall be affirmed.
- E. Appeals shall be filed in accordance with Section 215 of this ordinance.

ARTICLE IV.      FINAL SUBDIVISION PLAT PROCEDURE.

SECTION 401.      FINAL SUBDIVISION PLAT APPLICATION.

Within one year from the date of any approval or conditional approval of the preliminary plat (or as otherwise provided for in Section 208 of this ordinance), the subdivider may submit a final subdivision plat to the County Planning Department which shall conform to the preliminary plat as approved by the Commission.

SECTION 402.      FILING PROCEDURE.

The subdivider shall file with the County Planning Department one complete set of original tracings, one mylar copy from the tracing, and one copy of the deed, deed restrictions, covenants, homeowners association agreements, bonding agreements for improvements, and any other relevant documents and information. The Planning Department shall review the final plat to assure conformance with the preliminary plat, improvement and/or bonding requirements and other applicable laws or ordinances.

SECTION 403.      FORM OF FINAL SUBDIVISION PLAT.

Pursuant to ORS 92.080, all plats subdividing any land in any county in this state, and dedications of streets or roads or public parks and squares and other writings made a part of such subdivision plats offered for record in this county shall be made in permanent black india type ink or silver halide permanent photocopy, upon material that is 18 inches by 24 inches in size that is suitable for copying purposes, and on 7 mil double matted mylar. The subdivision plat shall be of such a scale as required by the county surveyor. The lettering of the approvals, the dedication, the affidavit of the surveyor, and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The subdivision plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for subdivision plats placed upon three or more sheets.

SECTION 404.      INFORMATION ON FINAL PLAT.

Consistent with the provisions of ORS 92.050, an applicant for a subdivision must comply with the following requirements:

- A. No subdivider shall submit a plat of a subdivision for record, until all the requirements of ORS 209.250 and the plat requirements of the subdivision have been met.
- B. The survey for the plat of the subdivision shall be of such accuracy that the linear error of closure shall not exceed one foot in 10,000 feet.
- C. The survey and plat of the subdivision shall be made by a registered professional land surveyor.

- D. The plat of the subdivision shall be of such scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon. Each lot shall be numbered consecutively. If used, blocks shall be lettered or numbered. The lengths and courses of all boundaries of each parcel shall be shown. Each street shall be named.
- E. The locations and descriptions of all monuments found or set shall be carefully recorded upon all plats and the proper courses and distances of all boundary lines shall be shown.

SECTION 405. CERTIFICATION ON A FINAL PLAT OF A SUBDIVISION.

The following certificates and acknowledgments and other required by state law shall appear on the final plat. Such certificates may be combined where appropriate:

- A. 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 recording of the final plat, offering for dedication all parcels of land, streets, alleys, pedestrianways, 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.
- B. A certificate of the licensed surveyor who prepared the survey and the final plat specifying that it is an accurate survey as prescribed in this ordinance and in accordance with state law.
- C. A certificate for execution by the chairman of the Commission.
- D. A certificate for execution by the County Surveyor.
- E. A certificate for execution by the County Tax Collector.
- F. A certificate for execution by the County Assessor.
- G. A certificate for execution by the irrigation district, where applicable.
- H. A certificate for execution by the Board of Commissioners.
- I. A certificate for execution by the County Sanitarian.

SECTION 406. REVIEW BY COUNTY SURVEYOR.

- A. The County Surveyor shall examine the plat for compliance with requirements for accuracy and completeness and shall collect such fees as allowed in the fee schedule. He or she may make checks in the field to verify that the map is sufficiently correct on the ground and he or she may enter the property for this purpose.

the surveyor determines that there has not been full conformity, he or she shall advise the subdivider of the changes or additions that must be made and afford the subdivider an opportunity to make such changes or additions. If the County Surveyor determines that full conformity has been made, he or she shall so certify and return the plat to the Planning Department.

- B. If the County Surveyor, acting in a private capacity, prepared the plat, review of the plat in accordance with Section 406.1 shall be done by a designated neighboring county surveyor.

SECTION 407. DEDICATIONS AND PUBLIC UTILITY REQUIREMENTS.

- A. All parcels of land shown on the final plat as intended for public use shall be offered for dedication for public use at the time the proposed final plat is filed, except those parcels which are intended for the exclusive use of lot owners in the subdivision, their licenses, visitors, tenants and employees. Lands to be devoted to public use are subject to utility or other easements.
- B. All streets, pedestrianways, drainage channels, easements and other rights-of-way shown on the final plat as intended for public use shall be offered for dedication for public use at the time the final plat is filed.
- C. All rights of access to and from streets, lots, and parcels of land shown on the final plat intended for dedication shall be offered for dedication at the time the final plat is filed.

SECTION 408. DESIGNATION AND CONVEYANCE OF RESERVE STRIPS AS LOTS.

One foot reserve strips provided across the end of stubbed streets adjoining unsubdivided land or along half streets adjoining unsubdivided land are required and shall be exempt from all other provisions of this ordinance which govern the size or shape of lots or which are otherwise applicable to lots. Those reserve strips shall be offered to the County for dedication at the time the tentative map is submitted and shall be noted on the final plat; however, all rights of vehicular access across said reserve strips shall be abandoned until such time as additional adjacent right-of-way is required.

SECTION 409. IMPROVEMENT PLANS.

The County Planning Department shall require engineered plans for all the improvements showing street grades and physical improvements, natural drainage ways and drainage works for both on and off-site drainage. These plans shall be inspected by the Planning Department and any other persons or agencies necessary to insure that the proposed improvements will be adequate to serve the subdivision. These plans will be accompanied by cost estimates for the construction of the improvements.

SECTION 410. IMPROVEMENTS.

- A. As a condition precedent to acceptance and approval of the final plat the subdivider shall improve, or shall agree to improve: all lands dedicated for streets, alleys, pedestrianways, drainage channels, easements, and other rights-of-way; all parks, lawns, and recreation areas.
- B. Improvements shall conform to the specifications of design and materials prescribed by the County. The subdivider shall give notice to the County and Road Department prior to the commencement of construction of improvements.
- C. Prior to the date of recording, the County shall have the right to enter upon the sites of improvements for the purpose of inspecting them.
- D. Any required improvements, plans and profiles and specifications of proposed road, water and sewage improvements shall be submitted to the appropriate county department for approval at the time the final plat is submitted for checking if this has not previously been done. Such plans and profiles shall show the full details of the proposed improvements. In the event that the developer wishes to construct improvements prior to the filing of the final plat, the appropriate county department may authorize initiation of such construction, upon submission by the developer of plans and profiles giving full details of the proposed improvements which conform substantially to the approved tentative plat.
- E. Any performance agreement required plus four copies of the same shall be submitted to the Director to be distributed to, and reviewed by, the County Engineer, Roadmaster, County Counsel and Sanitarian on forms provided by the Planning Department. That department shall determine whether the security amount proposed pursuant to Section 414 herein is adequate to cover the cost of all required improvements and related work. Where improvements plans are required, approval of such plans shall include a performance agreement.

SECTION 411. EVIDENCE OF WATER SUPPLY.

Written proof of available water supply adequate to serve water on each lot as required in Section 304.1 of this ordinance shall be provided prior to approval of the final plat by the County.

SECTION 412. EVIDENCE OF SEWAGE DISPOSAL.

Written proof of an available method of sewage disposal adequate to serve each lot intended for sewage disposal shall be provided prior to

approval of final plat by the Board as required in Section 304.3 of this ordinance. If the sewage disposal system of the subdivision utilizes septic tanks, there shall be an approved site for subsurface sewage disposal on every lot prior to final platting.

SECTION 413. APPROVAL OF ADVERTISING AS A CONDITION PRECEDENT.

- A. The developer shall submit with the final plat all written statements or brochures to be used in any way as advertising or source of information about the proposed subdivision, the improvements thereon, social services available, and the conditions in the surrounding area. Approval by the Board of said written statements shall be a condition precedent to the approval of the final plat. In no case shall the developer use the name of any county official, elected or appointed, any county body or any county employee in the advertising or other sources of information about the subdivision. The only reference that may be made is a simple statement implying no more than that the plat was approved by the County and conforms to the County requirements.
- B. The developer may vary the form of such statements after recording the final plat, but may not vary the facts, information, sense of meaning, or substance of such statements unless, in reality, said facts have changed. Any inaccuracies or falsehoods in any such written material shall subject the subdivider to prosecution under Section 211 of this ordinance.

SECTION 414. AGREEMENT FOR IMPROVEMENTS.

Prior to the approval by the Board of the final plat, the developer shall execute and file an agreement between him or herself and the Board specifying the period within which the developer or his or her agent or contractor shall complete the improvement work, and providing that, if he or she shall fail to complete such work within such period, the County shall call on the Surety to complete the same. The agreement shall provide for inspection of all improvements by the County. Such agreement may provide: (1) the construction of the improvements in units, (2) for an extension of time under conditions therein specified, and (3) for progress payment. The developer shall file with the aforesaid agreement, to assure his or her full and faithful performance in the amount thereof, a bond, such sum as is by the Board deemed sufficient to cover the cost of all improvements and incidental expenses, and to cover replacement and repair of existing streets and other improvements damaged in the development of the subdivision, not less than 125% of the estimated cost. Such bond shall be executed by a surety company authorized to do business and shall be approved by the County Counsel as to form. In lieu of said bonds, the developer may elect any one of the following alternatives to assure full and faithful performances:

- A. The developer may deposit with the County cash money in an amount fixed as aforesaid by the Board.

- B. The developer may submit 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.
- C. Bonds acceptable to the Board.
- D. The developer may enter into an agreement with the Board setting forth the period of time within which he or she plans to construct improvements, either in whole or in part. Such agreement shall specify that the developer shall deposit in an escrow account for the benefit of the County an amount equal to twice the pro-rated share of improvement costs for the entire development or subdivision attributable to a single lot, at the time of sale of said lot; provided, however, that this alternative procedure shall be permitted only for a final plat not exceeding four lots; this alternative procedure shall not be permitted for subsequent phases of development until the initial final plat has been completed; and such agreement will not extend more than 12 months from the date of execution unless extended by the Board as an amendment to the agreement.

SECTION 415. MAINTENANCE DISTRICT AND AGREEMENT.

- A. Prior to the approval by the Board of the final plat, the developer may be required to provide a service and maintenance fund or bond, with and for the County to use for the first years of maintenance of the development of subdivision streets, parks, common areas, sewer and/or water facilities or other facilities. The amount of the fund shall be established in each case by the Board.
- B. The Board may, at any time, designate the development or subdivision a special taxing district, or as a part of another special taxing district, for the purpose of maintaining the streets, parks, common areas, utilities or other facilities within the development or subdivision, or used by its owners or occupants.

SECTION 416. APPROVAL OF THE FINAL PLAT.

- A. Following a determination by the Planning Department pursuant to Sections 402 and 403 of this ordinance that the final plat conforms with the preliminary plat, all improvement and bonding requirements, and all other applicable laws, the chairman of the Planning Commission may sign the final plat without further action by the Planning Commission.
- B. A final plat signed by the chairman of the Planning Commission shall be delivered to the Board for the Board's approval after signatures are obtained from the other agencies listed on the plat.



- C. If the Planning Department determines that the final plat does not conform to the approved tentative plan, all improvements and/or other bonding requirements, or other applicable law; or if the chairman does not sign a plat otherwise approved in paragraph one of this section, the final plat shall be referred to the Planning Commission for review.
- D. The Planning Commission shall review the final plat at the public meeting and shall either:
  - (1) Approve the final plat if it determines that the plat is in conformance with the approved tentative plan, all improvements and/or bonding requirements, and other applicable laws; or
  - (2) Deny approval until the final plat is brought into conformance with the approved tentative plan, all improvements and bonding requirements, and other applicable laws.
- E. Approval by the Commission shall not constitute or affect an acceptance by the public of the dedication of any street or any other easement shown on the plat.

SECTION 417. FILING OF FINAL PLAT.

The subdivider shall, without delay, submit the final plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within 30 days after the date the last required signature has been obtained.

ARTICLE V. MAJOR LAND PARTITIONING.

SECTION 501. SUBMISSION OF TENTATIVE MAP AND PLAN.

The applicant shall submit a tentative map and proposed development plan for the major partitioning of the land to the Planning Department for approval in conformance with these regulations.

SECTION 502. CONTENTS OF TENTATIVE MAP FOR MAJOR PARTITIONING.

- A. General Information Required. The following general information shall be shown on the tentative map:
- (1) Location of the partition by (quarter-quarter) section, township, and range and a legal description sufficient to find the location and boundaries of the proposed tract or the tract designation or other description. (Assessor's map is recommended.)
  - (2) Date, north point, and scale of drawing.
  - (3) Appropriate identification clearly stating the map is part of the major partition.
  - (4) Names and addresses of the owner, partitioner, engineer and/or surveyor, land planner, if any, or any other professional person employed in the preparation, layout design of the major partition.
  - (5) The location, approximate dimensions, and acreage of parcels, and the proposed parcel numbers.
  - (6) Location of approved means of sewage disposal for each lot in accordance with Section 913.2 of this ordinance, if known.
  - (7) Location of approved means of water supply for each lot in accordance with Sections 913.3.A or 913.4.A of this ordinance, if known.
- B. Existing Conditions. The following conditions shall also be shown on the tentative map for major partitioning:
- (1) The location, width, and names of both opened and unopened streets within or adjacent to the project area, together with easements, other rights-of-way, and other important features such as section lines, corners, city boundary lines, and monuments.
  - (2) The location, width, and use or purpose of any easement on the property.

- (3) The location and direction of all water courses and the location of all areas subject to flooding.
- (4) The location of structures, irrigation canals and ditches, pipelines and railroads, and any natural features such as rock out-croppings and cover which are of an area or size sufficient to influence the design of the major partition.
- (5) Existing uses of the property, including location of all existing structures to remain on the property after development, and the location of any well(s) and septic system(s).
- (6) The location within the development area and in the adjoining streets and property of existing sewers and water mains, culverts and drain pipes, and elevations of sewers at points of probable connection.
- (7) Approximate location of boundary lines of property adjacent to the development.
- (8) Zoning classification of the land and adjoining land.

SECTION 503. PROPOSED DEVELOPMENT PLAN.

The proposed plan of major partitioning shall be shown on the tentative map including:

- A. The location, width, name, approximate grade, and radii of curves of existing and proposed streets or roads, including the relationship of streets or roads to projected streets or roads as shown on the Comprehensive Plan. Stationing shall be shown at intersections and at 100 foot intervals. Existing streets shall be dealt with as required in Section 805.
- B. The location, width, and purpose of easements.
- C. Sites, if any, allocated for purposes other than single family dwellings.
- D. Any proposed public areas.
- E. The location and probable connections of proposed sewer lines.
- F. The location and size of proposed water lines.
- G. The location and nature of other common improvements.
- H. The location of proposed drainage facilities.

SECTION 504. REVIEW OF MAJOR PARTITIONS.

- A. Upon receipt of the application for major partition by the Planning Department, the Director shall determine whether or not the proposed major partition meets the standards of this

ordinance. If a variance from the standards of this ordinance is necessary, the provisions as stated in Section 210 of this ordinance shall be followed. The Planning Director shall submit the application for major partition to the Planning Commission for its review and approval, denial or remand.

- B. If the application for major partition is found to meet the specifications of this ordinance, the Planning Director shall review and approve the proposal, provided that he or she finds the application to be in conformance with the Comprehensive Plan, Zoning Ordinance and any other pertinent ordinances.

SECTION 505. FIELD INSPECTION.

Within 15 calendar days of the receipt of the tentative map, the Planning Director or his representative shall make a field inspection of the proposed partitioning to determine whether or not supplementary information will be required in order to ensure adequate review by the Planning Department. In making this determination, the Planning Director shall consider:

- A. The topography of the project area.
- B. The alignment of the proposed street or road in relation to the topography, vegetation, and other natural features.
- C. Length of the proposed street or road and potential for future extensions, feeder streets or roads.
- D. Potential for future subdivision or other partitioning that would increase traffic volumes along the proposed street or road.
- E. Whether or not the site has approval for a subsurface sewage system, if applicable.

SECTION 506. REVIEW BY THE PLANNING DIRECTOR.

- A. The Planning Director shall review the proposed major land partitioning within 120 calendar days of receipt of the tentative map and approve or disapprove the map based upon the provisions of this ordinance and all applicable state and local rules and regulations. The Director may attach any reasonable conditions necessary to insure the major partition meets the standards and intent of this ordinance.
- B. If the Planning Director disapproves the tentative map, he shall deliver, in writing, to the partitioner a statement of the reasons for disapproval.

SECTION 507. REFERRAL TO PLANNING COMMISSION.

- A. The Planning Director may refer review of a tentative map to the Commission.

- B. Review by the Commission shall conform to the requirements of Sections 214 and 306 of this ordinance.

SECTION 508. DESIGNATION AND CONVEYANCE OF RESERVE STRIPS AS LOTS.

One foot reserve strips provided across the end of stubbed streets adjoining unsubdivided land are required and shall be exempt from all other provisions of this ordinance which govern the lots. Those reserve strips shall be offered to the County for dedication at the time the tentative map is submitted and shall be noted on the final plat; however, all rights of vehicular access across said reserve strips shall be abandoned until such time as additional adjacent right-of-way is required.

SECTION 509. PREPARATION OF FINAL MAJOR PARTITION PLAT.

All plats creating a major partition in any county in this state, and dedications of streets or roads or public parks and squares and other writings made a part of such major partition plats offered for record in this county shall be made in permanent black india type ink or silver halide permanent photocopy, upon material that is 18 inches by 24 inches in size that is suitable for copying purposes, and on 7 mil double matted mylar. The major partition plat shall be of such a scale as required by the county surveyor. The lettering of the approvals, the dedication, the affidavit of the surveyor, and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The major partition plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for subdivision plats placed upon three or more sheets.

SECTION 510. SUBMISSION OF FINAL PLAT.

- A. Not more than one year following approval of the tentative map the partitioner shall prepare a final plat in conformance with the tentative map as approved and submit it along with a copy of the approved tentative map to the county surveyor and the Planning Department.
- B. If the final plat is not submitted within one year of approval of the tentative map, the tentative map must be resubmitted for approval in accordance with these regulations or their successors.

SECTION 511. INFORMATION ON FINAL PLAT.

Consistent with the provisions of ORS 92.050, an applicant for a major land partition must comply with the following requirements:

- A. No subdivider shall submit a plat of a partition for record until all the requirements of ORS 209.250 and the plat requirements of the partition have been met.
- B. The survey for the plat of the partition shall be of such accuracy that the linear error of closure shall not exceed one foot in 10,000 feet.

- C. The survey and plat of the partition shall be made by a registered professional land surveyor.
- D. The plat of the partition shall be of such scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon. Each lot or parcel shall be numbered consecutively. If used, blocks shall be lettered or numbered. The lengths and courses of all boundaries of each lot or parcel shall be shown. Each street shall be named.
- E. The locations and descriptions of all monuments found or set shall be carefully recorded upon all plats and the proper courses and distances of all boundary lines shall be shown.
- F. The location, dimensions and purpose of all recorded and proposed public and private easements shall be shown on the partition plat along with the county clerk's recording reference if the easement has been recorded with the county clerk.
- G. The area of each lot or parcel shall be shown on the partition plat.
- H. In addition to showing bearings in degrees, minutes and seconds of a degree and distances in feet and hundredths of a foot, the following curve information shall be shown on the partition plat either on the face of the map or in a separate table:
  - (1) Arc length;
  - (2) Chord length;
  - (3) Chord bearing;
  - (4) Radius; and
  - (5) Central angle.
- I. The surveyor submitting any partition plat that is within one-half mile of an established geodetic control monument, which has been approved by the National Geodetic Survey or has been approved by and filed with the county surveyor, shall, by field survey according to Federal Geodetic Control Committee guidelines for third order class II, show the measured angles and distances from the geodetic control monument to a monumented boundary corner of a partition. If there is an azimuth mark for the geodetic control monument or if there is another geodetic control monument that is intervisible to the primary geodetic control monument, the bearings shall be based, if practicable, on the bearings between the geodetic control monument and the azimuth mark or the intervisible geodetic control monument.
- J. Notwithstanding the provisions of subsection (9.) of this section, the county surveyor may waive the requirement of a distancing to a geodetic control monument if the partition thereof has previously furnished the required information.

- K. Except as otherwise provided in this section, all partition plats designating the location of land in any county in the State of Oregon offered for record shall have attached thereon an affidavit of the surveyor having surveyed the land represented on the plat, to the effect that the surveyor has correctly surveyed and marked with proper monuments the lands as represented, and has placed a proper monument as provided in ORS 92.060 indicating the initial point of the survey, and giving the dimensions and kind of monument, and its location in accordance with ORS 92.060 one and accurately describing the tract of land upon which the lots and blocks or parcels are laid out.
- L. Unless there is proof of adequate water supply and sewage disposal for each lot pursuant to Section 913 of this ordinance, the final plat shall indicate those lots for which an adequate supply of water or sewage disposal has not been proven.

SECTION 512. APPROVAL OF THE FINAL MAP.

- A. Before any partition plat that covers land within the corporate limits of any city can be recorded, it must be approved by the county surveyor. However, for the purposes of this chapter, the governing body of the city may, by resolution or order, designate the city surveyor to serve in lieu of the county surveyor. Except as provided in subsection (3.) of this section, if the land is outside the corporate limits of any city, the partition plat shall be approved by the county surveyor before it is recorded. All partition plats shall be subject only to the approval of the city or county surveyor and the planning director.
- B. Before approving the partition plat as required by this section, the county surveyor, as provided by subsection (1.) of this section, shall check the partition plat and make such computations and other determinations that the partition plat complies with the provisions of this and other applicable laws. For performing such service, the county surveyor shall collect from the partitioner a fee allowed by Order No. 89-11 or its successor.
- C. Any partition plat prepared by the county surveyor in a private capacity shall be approved in accordance with subsection (2.) or (3.) of this section, whichever is applicable, by the surveyor of a county other than the county where the land is located and who has been designated by the county surveyor. The designated county surveyor shall collect the applicable partition plat check fee, and any travel expenses incurred, as established by the designated county surveyor's board of commissioners. The partition plat check fee and other expenses shall be paid by the subdivider prior to approval of the partition plat by the designated county.

SECTION 513.      REQUIREMENTS OF THE MAJOR PARTITION FINAL PLAT.

The following certificates shall appear on the major partition final plat:

- A. A certificate signed and acknowledged by all parties having any record title interest in the land being partitioned consenting to the preparation and recording of the plat.
- B. A certificate signed and acknowledged by all parties having record title interest in the property partitioned, dedicating or reserving all parcels of land shown on the final plat intended for any public use.
- C. A certificate for execution by the Planning Director.
- D. A certificate for execution by the County Surveyor.

SECTION 514.      FILING OF FINAL MAP.

- A. The partition plat described in ORS 92.050, when made and approved as required and offered for record in the records of the county where the described land is situated, shall, upon the payment of the fees provided by law, be filed by the county recording officer. The fact of filing and the date thereof shall be entered thereon, and it shall then be securely filed with other partition plats of like character and designated as "Record of Partition Plats." Partition plats shall be recorded and numbered by year and sequentially.
- B. At the time of filing such partition plat, the person offering it for filing shall also file with the county an exact copy thereof, made with permanent black india type ink or silver halide permanent photocopy upon a 4 mil double matted mylar. The surveyor who made the partition plat shall make an affidavit to indicate that the photocopy or tracing is an exact copy of the partition plat. The copy filed with the county recording officer shall be certified by that officer to be an exact copy and then shall be filed with the county surveyor, and be preserved by filing without folding or cutting. The subdivider shall provide without cost the number of prints from such copy as may be required by governing body of the county.
- C. For the purpose of preserving the original partition plats, any such plats may be stored for safekeeping without folding or cutting.
- D. The person offering for filing an approved plat of a partition for a parcel of land to which a water rights is appurtenant shall also submit a copy of the partition plat to the Water Resources Department for the purpose of updating the water rights records of the department. The county recording officer shall not accept for filing a plat of a partition for a parcel of land without:



- (1) A statement of water rights noted on the partition plat.
  - (2) A copy of the acknowledgment from Water Resources Department under ORS 92.122, if the person offering the partition plat for filing indicates on the statement of water rights that a water right is appurtenant to the subdivision or partition.
- E. No action may be maintained against the county recording officer for recording an instrument that does not contain the statement of water right or the acknowledgment required under subsection (4.) of this section.
- F. Within 10 days after receiving a copy of an approved plat of a partition submitted as required under ORS 92.120 (5), the Water Resources Department shall send to the person submitting the partition plat an acknowledgment confirming receipt of the (plan,) partition plat (or replat).

ARTICLE VI. MINOR PARTITIONING

SECTION 601. SUBMISSION OF TENTATIVE MAP AND PLAN.

A tentative plat and plan for the minor partitioning of the land shall be submitted to the Planning Department for approval in conformance with these regulations.

SECTION 602. CONTENTS OF TENTATIVE MAP FOR MINOR PARTITIONING.

- A. The following general information shall be shown on the tentative map:
- (1) Location of the partition by (quarter-quarter) section, township, and range and a legal description sufficient to find the location and boundaries of the proposed tract or the tract designation or other description. (Assessor's map is recommended.)
  - (2) Date, north point, and scale of drawing.
  - (3) Appropriate identification clearly stating the map is part of the minor partition.
  - (4) Names and addresses of the owner, partitioner, engineer and/or surveyor, land planner, if any, or any other professional person employed in the preparation, layout design of the minor partition.
  - (5) The location, approximate dimensions, and acreage of lots, and the proposed lot and block numbers.
  - (6) Location of approved means of sewage disposal for each lot in accordance with Section 913.2 of this ordinance, if known.
  - (7) Location of approved means of water supply for each lot in accordance with Sections 913.3.A and 913.4.A of this ordinance, if known.
- B. Existing Conditions. The following existing conditions be showing on the tentative plan for a minor partition:
- (1) The location, width, and names of both opened and unopened streets within or adjacent to the project area, together with easements, other rights-of-way, and other important features such as section lines, corners, city boundary lines, and monuments.
  - (2) The location, width, and use or purpose of any easement on the property.

- (3) The location and direction of all water courses and the location of all areas subject to flooding.
- (4) The location of structures, irrigation canals and ditches, pipelines and railroads, and any natural features such as rock out-croppings and cover which are of an area or size sufficient to influence the design of the minor partition.
- (5) Existing uses of the property, including location of all existing structures to remain on the property after development, and the location of any well(s) and septic system(s).
- (6) The location within the development area and in the adjoining streets and property of existing sewers and water mains, culverts and drain pipes, and elevations of sewers at points of probable connection.
- (7) Approximate location of boundary lines of property adjacent to the development.
- (8) Zoning classification of the land and adjoining land.

SECTION 603.      PROPOSED DEVELOPMENT PLAN.

The proposed plan of minor partitioning shall be shown on the tentative map including:

- A. The location, width, name, approximate grade, and radii of curves of streets or roads, including the relationship of streets or roads to projected streets or roads as shown on the Comprehensive Plan. Stationing shall be shown at intersections and at 100 foot intervals. Existing streets shall be dealt with as required in Section 805.
- B. The location, width, and purpose of easements.
- C. Sites, if any, allocated for purposes other than single family dwellings.
- D. Any proposed public areas.
- E. The location and probable connections of proposed sewer lines.
- F. The location and size of proposed water lines.
- G. The location and nature of other common improvements.
- H. The location of proposed drainage facilities

SECTION 604.      REVIEW OF MINOR PARTITIONS.

- A. Upon receipt of the application for minor partition by the Planning Department, the Director shall determine whether or not

the proposed minor partition meets the standards of this ordinance. If a variance from the standards of this ordinance is necessary, the provisions as stated in Section 210 of this ordinance shall be followed. The Planning Director shall submit the application for minor partition to the Planning Commission for its review and approval, remand or denial.

- B. If the application for minor partition is found to meet the specifications of this ordinance, the Planning Director shall review and approve the proposal, provided that he or she finds the application to be in conformance with the Comprehensive Plan, Zoning Ordinance and any other pertinent ordinances.

SECTION 605. FIELD INSPECTION.

Within 15 calendar days of the receipt of the tentative map, the Planning Director or his representative shall make a field inspection of the proposed partitioning to determine whether or not supplementary information will be required in order to ensure adequate review by the Planning Department. In making this determination, the Planning Director shall consider:

- A. The topography of the project area.
- B. Potential for future subdivision or other partitioning that would increase traffic volumes along the proposed street or road.
- C. Whether or not the site has approval for a subsurface sewage system, if applicable.

SECTION 606. REVIEW BY THE PLANNING DIRECTOR.

- A. The Planning Director shall review the proposed minor land partitioning within 120 calendar days of receipt of the tentative map and approve or disapprove the map based upon the provisions of this ordinance and all applicable state and local rules and regulations. The Director may attach any reasonable conditions necessary to ensure the minor partition meets the standards and intent of this ordinance.
- B. If the Planning Director disapproves the tentative map, he shall deliver, in writing, to the partitioner a statement of the reasons for disapproval.

SECTION 607. REFERRAL TO PLANNING COMMISSION.

- A. The Planning Director may refer review of a tentative map to the Commission.
- B. Review by the Commission shall conform to the requirements of Sections 215 and 306 of this ordinance.

SECTION 608. PREPARATION OF FINAL MINOR PARTITION PLAT.

- A. Pursuant to ORS 92.080, all plats creating a minor partition in any county in this state, and dedications of streets or roads or public parks and squares and other writings made a part of such minor partition plats offered for record in this county shall be made permanent by black india type ink or silver halide permanent photocopy, upon material that is 18 inches by 24 inches in size that is suitable for copying purposes, and on 7 mil double matted mylar. The minor partition plat shall be of such a scale as required by the county surveyor. The lettering of the approvals, the dedication, the affidavit of the surveyor, and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The minor partition plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for minor partition plats placed upon three or more sheets.

SECTION 609. SUBMISSION OF FINAL PLAT.

- A. Not more than one year following approval of the tentative map, the partitioner shall prepare a final plat in conformance with the tentative map as approved and submit it along with a copy of the approved tentative map to the county surveyor and Planning Department.
- B. If the final plat is not submitted within one year of approval of the tentative map, the tentative map must be resubmitted for approval in accordance with these regulations or their successors.

SECTION 610. INFORMATION ON FINAL PLAT.

- A. No subdivider shall submit a plat of a partition for record until all the requirements of ORS 209.250 and the plat requirements of the partition have been met.
- B. The survey for the plat of the partition shall be of such accuracy that the linear error of closure shall not exceed one foot in 10,000 feet.
- C. The survey and plat of the partition shall be made by a registered professional land surveyor.
- D. The plat of the partition shall be of such scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon. Each parcel shall be numbered consecutively. If used, blocks shall be lettered or numbered. The lengths and courses of all boundaries of each parcel shall be shown. Each street shall be named.
- E. The locations and descriptions of all monuments found or set

shall be carefully recorded upon all plats and the proper courses and distances of all boundary lines shall be shown.

- F. The location, dimensions and purpose of all recorded and proposed public and private easements shall be shown on the partition plat along with the county clerk's recording reference if the easement has been recorded with the county clerk.
- G. The area of each lot or parcel shall be shown on the partition plat.
- H. In addition to showing bearings in degrees, minutes and seconds of a degree and distances in feet and hundredths of a foot, the following curve information shall be shown on the partition plat either on the face of the map or in a separate table:
  - (1) Arc length;
  - (2) Chord length;
  - (3) Chord bearing;
  - (4) Radius; and
  - (5) Central angle.
- I. The surveyor submitting any partition plat that is within one-half mile of an established geodetic control monument, which has been approved by the National Geodetic Survey or has been approved by and filed with the county surveyor, shall, by field survey according to Federal Geodetic Control Committee guidelines for third order class II, show the measured angles and distances from the geodetic control monument to a monumented boundary corner of a partition. If there is an azimuth mark for the geodetic control monument or if there is another geodetic control monument that is intervisible to the primary geodetic control monument, the bearings shall be based, if practicable, on the bearings between the geodetic control monument and the azimuth mark or the intervisible geodetic control monument.
- J. Notwithstanding the provisions of subsection (9.) of this section, the county surveyor may waive the requirement of a distance and bearing to a geodetic control monument if the partition thereof, has previously furnished the required information.
- K. Except as otherwise provided in this section, all partition plats designating the location of land in any county in the State of Oregon, offered for record, shall have attached thereon an affidavit of the surveyor having surveyed the land represented on the plat, to the effect that the surveyor has correctly surveyed and marked with proper monuments the lands as represented, and has placed a proper monument as provided in ORS 92.060 indicating the initial point of the survey, and giving the dimensions and kind of monument, and its location in accordance with ORS 92.060 one and accurately describing the tract of land upon which the lots and blocks or parcels are laid out.

- L. Unless there is proof of adequate water supply and sewage disposal for each lot pursuant to Section 913 of this ordinance, the final plat shall indicate those lots for which an adequate supply of water or sewage disposal has not been proven.

SECTION 611. APPROVAL OF THE FINAL MAP.

- A. Before any partition plat that covers land within the corporate limits of any city can be recorded, it must be approved by the county surveyor. However, for the purposes of this chapter, the governing body of the city may, by resolution or order, designate the city surveyor to serve in lieu of the county surveyor. Except as provided in subsection (3.) of this section, if the land is outside the corporate limits of any city, the partition plat shall be approved by the county surveyor before it is recorded. All partition plats shall be subject only to the approval of the city or county surveyor and planning director.
- B. Before approving the partition plat as required by this section, the county surveyor, as provided by subsection (1.) of this section, shall check the partition plat and make such computations and other determinations that the partition plat complies with the provisions of this and other applicable laws. For performing such service, the county surveyor shall collect from the partitioner a fee as set by ordinance, order or resolution of the Board allowed by Order No. 89-11.
- C. Any partition plat prepared by the county surveyor in a private capacity shall be approved in accordance with subsection (2.) or (3.) of this section, whichever is applicable, by the surveyor of a county other than the county where the land is located and who has been designated by the county surveyor. The designated county surveyor shall collect the applicable partition plat check fee, and any travel expenses incurred, as established by the designated county surveyor's board of commissioners. The partition plat check fee and other expenses shall be paid by the subdivider prior to approval of the partition plat by the designated county.

SECTION 612. REQUIREMENTS OF THE MINOR PARTITION FINAL PLAT.

The following certificates shall appear on the minor partition final plat:

- A. A certificate signed and acknowledged by all parties having any record title interest in the land being partitioned consenting to the preparation and recording of the plat.
- B. A certificate signed and acknowledged by all parties having record title interest in the property partitioned, dedicating or reserving all parcels of land shown on the final plat intended for any public use.

- C. A certificate for execution by the Planning Director.
- D. A certificate for execution by the County Surveyor.

SECTION 613. FILING OF FINAL MAP.

- A. The partition plat described in ORS 92.050, when made and approved as required and offered for record in the records of the county where the described land is situated, shall, upon the payment of the fees provided by law, be filed by the county recording officer. The fact of filing and the date thereof shall be entered thereon, and it shall then be securely filed with other partition plats of like character and designated as "Record of Partition Plats." Partition plats shall be recorded and numbered by year and sequentially.
- B. At the time of filing such partition plat, the person offering it for filing shall also file with the county an exact copy thereof, made with permanent black india type ink or silver halide permanent photocopy upon a 4 mil double matted mylar. The surveyor who made the partition plat shall make an affidavit to indicate that the photocopy or tracing is an exact copy of the partition plat. The copy filed with the county recording officer shall be certified by that officer to be an exact copy and then shall be filed with the county surveyor, and be preserved by filing without folding or cutting. The subdivider shall provide without cost the number of prints from such copy as may be required by the governing body of the county.
- C. For the purpose of preserving the original partition plats, any such plats may be stored for safekeeping without folding or cutting.
- D. The person offering for filing an approved plat of a partition for a parcel of land to which a water right is appurtenant shall also submit a copy of the partition plat to the Water Resources Department for the purpose of the updating the water rights records of the department. The county recording officer shall not accept for filing a plat of a partition for a parcel of land without:
  - (1) A statement of water rights noted on the partition plat.
  - (2) A copy of the acknowledgment from the Water Resources Department under ORS 92.122, if the person offering the partition plat for filing indicates on the statement of water rights that a water right is appurtenant to the subdivision or partition.
- E. No action may be maintained against the county recording officer for recording an instrument that does not contain the statement of water right or the acknowledgment required under subsection (4) of this section.



F. Within 10 days after receiving a copy of an approved plat of a partition submitted as required under ORS 92.120 (5), the Water Resources Department shall send to the person submitting the partition plat an acknowledgment confirming receipt of the (plan,) partition plat (or replat).

ARTICLE VII. PLANNED UNIT DEVELOPMENT

SECTION 701. AUTHORIZATION.

Where a planned unit development has been authorized pursuant to applicable zoning regulations, the plan of the subdivision shall conform to the plan of the planned unit development as approved by the Commission and the Board. Where a planned unit approach to property development is desired by a subdivider, but where provisions of a zoning ordinance are not applicable, the subdivider may request approval of a planned unit development using the minimum development standards outlined in Section 702.

SECTION 702. PROCEDURE FOR APPROVAL OF PLANNED UNIT DEVELOPMENT.

- A. Initiation of application for development projects shall be by the owner or owners, public or private, of all the land proposed to be used and included.
- B. The preliminary and final development plan applications shall be considered by the Commission. A public hearing shall be held on each such application.
- C. The applicant shall submit 30 copies of a preliminary development plan to the Planning Commission or staff for review and study 35 calendar days prior to the Commission meeting at which it will be discussed. Upon receipt of 30 copies of the preliminary development plan, the Commission or staff shall distribute copies to selected and concerned county agencies and departments for study and comment. If the preliminary development plan is not tabled for further review and study, the Commission may approve, deny, or return the application for revision. Before preliminary approval is granted, the Commission shall determine that such plans comply with the development policies of the Comprehensive Plan, the purpose of this article, and the provisions of this ordinance. Such preliminary approval shall be binding as to the general intent of land usage and circulation pattern.
- D. Application for final approval shall be submitted within one year of the date of the preliminary approval; otherwise the original application will be removed from pending files. The final application shall be sufficiently detailed to indicate fully the ultimate operation and appearance of the development. The final plat shall also include all information required in the preliminary plat application plus the following:
  - (1) Location and method of the system of water, sewage, and storm drainage and treatment.
  - (2) Architectural and landscaping plans.

- (3) Copies of legal documents required by the Commission for dedication or reservation of public facilities or for the creation of a non-profit homeowners or similar association.
- E. Upon abandonment of a particular project authorized under this section or upon the expiration of two years without completion (or extension time granted), the authorization shall expire and the remaining undeveloped land will be used only for lawful purposes within the original zones of the area before approval has been granted.
- F. Preliminary Development Plan. The preliminary plan shall include the following information:
- (1) Proposed land uses, building locations, and housing unit densities.
  - (2) A legal boundary survey.
  - (3) Proposed land divisions of future ownership.
  - (4) Proposed circulation pattern indicating the status.
  - (5) Proposed open space uses.
  - (6) Proposed grading and drainage pattern and contour lines at the intervals required for a regular subdivision plat.
  - (7) Location of tentatively approved water supply and sewage disposal in accordance with the provisions of Sections 304.1 and 304.3.
  - (8) Economic and supporting data to justify any proposed commercial development in an area not so zoned previously.
  - (9) Relation of the proposed development to the surrounding area and the general plan.
  - (10) Proposed deed restrictions.
  - (11) All present ownerships, leases, and rights-of-way.
  - (12) A development schedule demonstrating that the developer intends to commence construction within a reasonable period of time (12 months) after each final approval and proceed diligently to completion.
  - (13) Development Standards.
    - (a) Minimum Site Area and Usage: A planned unit development shall not contain less than five acres. Regardless of size, at least 30 percent of the land area will be dedicated or reserved as usable "outdoor living" and

"open space" land in residential, recreational, or combination residential-commercial development, exclusive of required parking. Of the required 30 percent open area, no more than 25 percent may be utilized privately by individual owners or users of the planned unit development. At least 75 percent shall be common or shared outdoor living areas.

- (b) **Underground utilities:** In any development which is primarily designed for or occupied by dwellings, all electric and telephone facilities, fire alarms, conduits, street wiring and other wiring, and similar facilities shall be placed underground by the developer unless waived by the Commission. Exceptions may be necessary for facilities which must be above ground. A conference with the utility companies involved may be necessary in ascertaining if the requirements are within the realm of engineering and economic feasibility.
- (c) **Easements:** The Commission or Board may require easements necessary for orderly extension of public utilities to future adjacent developments.
- (d) All other development standards required by this ordinance are applicable to a planned development. However, these standards may be varied by the Commission if it finds that the variance will not be detrimental to the Comprehensive Plan, the Zoning Ordinance, or this ordinance. In no case shall the Commission grant a variance which allows the density to exceed 110% of the density allowed under the Zoning Ordinance.

ARTICLE VIII. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS.  
CONSTRUCTION DRAWING REQUIREMENTS, AND ACCEPTANCE OF  
CONSTRUCTION IMPROVEMENTS.

SECTION 801. ASSURANCE FOR COMPLETION AND MAINTENANCE OF IMPROVEMENTS.

- A. General. After approval of the Preliminary Plat and the construction plans, and before the commencement of any construction, the applicant shall be required to secure a bond, or place cash in escrow or trust, to insure that all improvements in the development will be completed and maintained in accordance with the requirements of this ordinance, the Commission's decision, and the County Engineer or Roadmaster's specifications. The applicant shall guarantee both workmanship and materials.
- B. Performance Guarantee Requirements.
- (1) Following approval of the construction drawings (See Section 802 for construction plans approval procedure), the applicant shall secure a bond, or place cash in escrow or trust, in an amount equal to 125% of the estimated cost of the improvements. The amount may be reviewed by the County Engineer or Roadmaster to verify the estimated cost of the project. Bonds, or funds placed in escrow or trust, shall comply with all statutory requirements and shall be satisfactory to the County Counsel as to form, sufficiency, and manner of execution as set forth in these regulations.
  - (2) The period within which required improvements must be completed shall be two years from the date of approval of the final subdivision plat or partition map. The Planning Commission, upon extraordinary difficulty, may extend the completion date.
- C. Temporary Improvements. The applicant shall build and pay for all costs of temporary improvements required by the Planning Commission and shall maintain the improvements for the period specified by the Commission. Prior to construction of any temporary facility or improvement, the applicant shall file with the County a separate bond, trust, or escrow agreement for temporary facilities, which shall insure that the temporary facilities will be properly constructed, maintained, and improved.
- D. Oversizing. All required improvements shall be made by the applicants, at their own expense, without reimbursement by the County.
- E. Failure to Complete Improvements. When a bond, trust, or escrow agreement has been posted and the required improvements have not been installed within the terms of the bond, trust, or escrow agreement, the County may thereupon desaid applicant to be in default and require that all the improvements be installed to the satisfaction of the County Engineer or Roadmaster. If the cost to make the improvements exceeds the amount of the bond, trust,

or escrow agreement, the applicant shall be liable to the County for the difference together with court costs from the applicant.

SECTION 802. PROJECT DEVELOPMENT AND INSPECTION FEE AND CONSTRUCTION DRAWINGS.

The applicant shall pay the Project Development Inspection Fee (PDIF) at the time the construction drawings are filed with the County for review. When it is anticipated there will be an abnormally long delay between submission of the construction plans for review and the actual field inspection of the facilities, the Planning Director may provide that only one-half of the PDIF be paid prior to filing the final plat or map and the balance shall be due before actual commencement of construction.

Construction drawings shall be prepared for all required improvements. The applicant shall submit two sets of the construction drawings to the Director at any time following approval of the preliminary plan.

SECTION 803. DESIGN AND DATE REQUIREMENTS OF CONSTRUCTION DRAWINGS.

- A. Drawings shall be drawn at a scale of one inch equals 50 feet. Drawings shall be oriented so that north will be at the top of the page. However, when the preceding requirement proves to be impractical, then north shall be oriented to the left side of the page.
- B. Profiles shall show existing and proposed elevations along center lines of all streets. When a proposed street intersects an existing street or streets, the elevation along the center line of the existing street(s) within 100 feet of the intersection shall be shown. Approximate radii of all curves, lengths of curve, and central angles on all streets shall be shown.
- C. Plans and profiles shall show the locations and typical cross-section of street pavements, including curbs and gutters, sidewalks, drainage easements, rights-of-way, manholes and catch inlets; the locations of street trees, the location of replacement trees for those to be removed in the development process; the location, size, direction of flow, and invert elevations of existing and proposed sanitary sewers, storm water systems, and fire hydrants.
- D. Streets and storm water systems shall be shown on the same set of drawings.
- E. Sanitary sewer and water systems shall be shown on the same set of drawings when applicable.
- F. Locations, size, elevation, and other appropriate description of any existing facilities or utilities shall be shown on the drawings. In addition, all elevations shall be referred to the USGS datum plane.
- G. All specifications and references required by the County's con-

struction standards and specifications shall be shown on the drawings.

- H. Title, name, address, and signatures of the engineer and surveyor and date, including revision dates, shall be shown on the drawings.

SECTION 804. REVIEW PROCEDURE.

The County Engineer or Roadmaster shall have 30 calendar days, following submission of the construction drawings, to review the plans. One copy of the construction drawings, along with the Engineer's or Roadmaster's comments, shall be returned to the applicant. In the event significant modifications are necessary, the County Engineer or Roadmaster may require the drawings be altered and resubmitted for final approval. The County Engineer or Roadmaster shall have another 30 calendar days to review the resubmitted drawings.

SECTION 805. ACCEPTANCE OF CONSTRUCTION IMPROVEMENTS.

The County may accept the improvements only after all of the following have been completed:

- A. The applicant has submitted a letter to the Board requesting the County accept the improvements and that the improvements have been built to County standards and the approved construction drawings.
- B. The applicant has submitted two sets of "as built" drawings.
- C. The County Engineer or Roadmaster has approved the improvements and recommended acceptance.
- D. In the event a maintenance guarantee has not previously been submitted, the applicant must submit a maintenance bond, escrow or trust agreement, in an amount which is not less than 10% of the cost of the improvements. The bond shall be in a form which is satisfactory to the County Counsel. The bond shall run for a period of at least one year and the applicant shall be required to correct all deficiencies of workmanship and materials within the development for that period. The Board may require a larger bond, or allow the bond to run for a longer period (two years) if the County has good reason to believe that the construction improvements will fail because of workmanship or materials.

ARTICLE IX. SUBDIVISION AND PARTITION REQUIREMENTS.

SECTION 901. MINIMUM STANDARDS.

The requirements and standards set forth in this ordinance are the minimum ones to which a subdivision plat shall conform before approval by the Commission. These requirements are also the minimum ones to which partitions must conform when the standard is applicable.

SECTION 902. CONFORMITY TO THE COMPREHENSIVE PLAN.

The intent and design of the proposed subdivision shall conform to and be in harmony with the Comprehensive Plan and County Zoning Ordinance.

SECTION 903. LOTS.

The minimum area, width, depth, and frontage of lots and the minimum building setback line from streets shall conform to the requirements of the County Zoning Ordinance, where applicable, and all other applicable regulations. However, in no case shall a lot be approved which is less than 7,000 feet in area, has a width less than 70 feet, a depth of less than 80 feet, a frontage of less than 30 feet. No building setback line from a street of less than 20 feet shall be accepted. A minimum of 50 feet of usable road frontage shall be provided for access to each lot created.

A. Lot Improvements.

- (1) Lot Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reason of topography or other conditions, in securing building permits to build on all lots in compliance with the Zoning Ordinance.
- (2) Lot Dimensions. The lot dimensions shall comply with the minimum standards of the Zoning Ordinance. When lots are more than double the minimum required area for the zoning district, the Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve such potential lots.
- (3) Double Frontage Lots and Access to Lots. Double frontage lots shall be avoided except where necessary to provide separation of residential developments from arterial streets or to overcome specific disadvantages of topography and/or orientation.
- (4) Lots should avoid deriving access from arterials. When driveway access from arterials may be necessary for several adjoining lots, the Commission may require that such lots be served by a combined access drive in order to limit possible



traffic hazards on such streets. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on arterials.

- (5) Fencing. An applicant shall be required to furnish and install fencing wherever the Commission determines a hazardous condition may exist. The fencing shall be constructed according to standards established by the County Engineer or Roadmaster. No certificate of occupancy shall be issued until said fence improvements have been duly installed.
- (6) Erosion Control. Grass seed planting shall take place prior to September 30th on all lots upon which a dwelling has not been started but the ground cover has been disturbed. The seeds shall be of an annual rye grass variety and shall be sown at not less than four pounds to each 1,000 square feet of land area.
- (7) Lot Boundary of Right-of-way Lines. No new 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 904. BLOCKS.

- A. In subdivisions with an average lot size of under one acre, no block shall be longer than 1,000 feet in length and there shall be a cross walkway of not less than 10 feet in width near the middle of the block. The width of blocks shall be such as to allow two tiers of lots of appropriate depths, unless exceptional conditions exist in the opinion of the Commission, so as to render this requirement undesirable and make a relatively short length of double frontage lots unavoidable. Exceptions to the block width shall be allowed for blocks which are adjacent to arterial streets or natural features.
- B. Blocks along arterials or collector streets shall not be less than 1,000 feet in length, wherever possible.
- C. In long blocks, the Commission may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic. Pedestrian-ways, not less than 12 feet wide, may be required by the Commission through the center of blocks more than 800 feet long where deemed essential to provide circulation or access to schools, parks, shopping centers, public transportation, or other community facilities.

SECTION 905. STREETS.

- A. General Requirements. No subdivision or partition shall be approved unless the development has frontage or approved access to an existing public street. In addition, all streets and accesses shall be in conformance with the County's construction standards and specifications in effect at the time of development.

- B. Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width, one-half the additional right-of-way necessary to meet the standards set forth in this ordinance shall be dedicated by each property owner on each side of the street.
- C. Street Widths and Roadways. Unless otherwise indicated on the official map, the width of rights-of-way and roadway improvements shall be in compliance with the following:
- (1) Arterial. Right-of-way width 80 feet.
  - (2) Collector. Right-of-way width 50 feet.
  - (3) Local. Right-of-way width 50 feet — this width may be varied by the Commission to the width in urban areas to meet the requirement of individual cities.
  - (4) The Board may, upon a recommendation by the County Roadmaster, require additional right-of-way width to protect the public health, safety, and welfare.
- D. Topography and Arrangement. Local streets shall be curved wherever possible to avoid conformity of lot appearance. All streets shall be properly related to special traffic generators such as industries, business districts, schools, and shopping centers; and to the pattern of existing and proposed land uses.
- E. Local Streets (Residential). Local streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, to require the minimum number of streets necessary to provide convenient and safe access to property, and to allow for the southern exposure of homes.
- F. Business and Industrial Streets. In business and industrial developments, the streets and other accessways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
- G. Proposed Streets. Proposed streets shall be extended to the boundary lines of the tract to be subdivided. A reserve strip across the end of the street shall be deeded to the County at the applicant's own expense. In addition, a barricade shall be built at the end of the street by the applicant and it shall not be removed until authorized by the Planning Director.
- H. Access to Arterials. When major partitions or subdivisions abut on an existing or proposed arterial, the Commission may require that access to such streets be limited by one of the following means:

- (1) The subdivision of lots so as to back onto the arterial and front onto a parallel local street.
  - (2) A series of cul-de-sacs, u-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the arterial.
- I. Curve Radius. All local and neighborhood collector streets shall have a minimum curve radius (at intersections) of 20 feet, unless otherwise approved by the Commission.
- J. Street Signs. The County shall install street signs and the applicant shall pay for the signs and the installation. In addition, the applicant may be required to pay for traffic safety devices as related to the development and their installation. The type and location of the street signs and/or traffic safety devices shall be designated by the County Roadmaster.
- K. Cul-de-sacs. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with the County construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length to six times the minimum lot width, serving no more than 18 dwelling units, and not exceeding 400 feet in length in urban areas, and 800 feet in rural areas, from entrance to center of turnaround radius of 50 feet at the property line and not less than 40 feet at the outer curb line or traveled way.
- L. Street Surfacing and Improvements. Public streets, including alleys, within developments shall be improved in accordance with the requirements of the County, as set forth in the Columbia County Road Standards, attached hereto, labeled Attachment "2" and incorporated herein by this reference. Within urban growth boundaries streets shall be developed with any applicable city/county joint management agreements.
- M. Arterial Street Setback. In residential districts, a building setback line, which shall extend an additional 20 feet back from the right-of-way line of an arterial street, shall be provided adjacent to the arterial. The placement of structures within the buffer strip is prohibited.
- N. Intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 75 shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least 100 feet there from. Not more than two streets shall intersect at any point unless specifically approved by the Commission.
- O. Street Lighting. A complete lighting system (including but not

limited to: conduits, wiring, bases, poles, arms and fixtures) shall be the financial responsibility of the applicant on all cul-de-sacs, local streets, and neighborhood collector streets. The developer will be responsible for providing the arterial luminaries in those cases where the developer is required to improve a collector or arterial street.

P. Fire Protection. In forested areas, housing shall be set back so as to not constitute a fire hazard to the forest. Provisions for fire protection may include:

- (1) Fire Breaks. Fire breaks shall be provided as may be specified by the appropriate fire protection agency. Access roads may be used as fire breaks where provided at suitable locations.
- (2) Emergency Access. Two or more improved all-weather access roads from the development, subdivision, or major partition may be required by the Commission for the purpose of fire protection egress and ingress to insure public safety as may be specified by the appropriate fire protection agency.

SECTION 906.      STREETS - ADJACENT TO RAILROADS, FREEWAYS, AND PARKWAYS.

When the proposed subdivision contains or is adjacent to a railroad, freeway or parkway, a street parallel to the railroad, freeway or parkway may be required on each side of such railroad, freeway or parkway. In the case of a railroad, a land strip of not less than 25 feet in width shall be provided along such railroad right-of-way for screen planting between the railroad and residential lots. When such parallel streets are less than 80 feet from a freeway or parkway, the intervening property shall be held or developed, and used only for park or thoroughfare purposes. Such parallel streets or streets crossing a railroad shall be located at sufficient distance from such railroad to make provisions for any possible grade separations on the cross streets.

SECTION 907.      FUTURE EXTENSION OF STREETS.

Where necessary to give access to or permit a satisfactory future subdivision on adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turn-around. Reserve strips and street plans shall be required to preserve the objectives of street extensions.

SECTION 908.      STREET GRADES.

Street grades shall not exceed 12 percent slope; except where under unavoidable topographic conditions, grades to 15 percent may be permitted if approved by the County Roadmaster.

SECTION 909.      STREET NAMES.

Except for extensions of existing streets, no street shall be used which will duplicate or be confused with the names of the existing

streets. Street names and numbers shall conform to the established pattern in the surrounding area, and if near to a city, to the pattern of the city, present and projected. Street names and numbers shall be assigned in accordance with Ordinance No. 81-6 as amended by Ordinance No. 83-2 and any subsequent ordinances.

SECTION 910. ALLEYS.

The minimum width of an alley in a residential block when platted shall be 20 feet. Alleys shall be provided in commercial and industrial districts and shall not be less than 20 feet. The corners of all alleys shall be curved with a radius of not less than 10 feet.

SECTION 911. PEDESTRIANWAYS.

When desirable for public convenience, pedestrianways may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks. The Commission may require, in order to facilitate pedestrian access from streets, perpetual, unobstructed easements at least 12 feet in width.

SECTION 912. DRAINAGEWAYS.

If a subdivision 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 drainageways may be required.

A. Surface Drainage and Storm Sewer Systems.

- (1) General Provisions. The Commission shall not recommend for approval any partition or subdivision which does not make adequate provisions for storm or flood water runoff. The storm water drainage system shall be separate and independent of any sanitary sewer system. Inlets shall be provided so surface water is not carried across any intersection. Surface water drainage patterns shall be shown for each and every lot and block. The sewer system shall be built to the standards of the County.
- (2) Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside of the development. The County's Engineer or Roadmaster shall determine the necessary size of the facility, based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.
- (3) Effect on Downstream Drainage. Where it is anticipated that the additional runoff incidental to the development of the

subdivision will overload an existing drainage facility, the Commission may withhold approval of the subdivision until provisions have been made for improvement of the existing drainage facility.

- (4) Drainage Easements. When topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way perpetual unobstructed easements, at least 15 feet in width, for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the street. When a proposed drainage system will carry water across private land outside the development, appropriate drainage rights must be secured.

### SECTION 913. UTILITIES.

- A. Utility Easements. A minimum five foot utility easement shall be required along the front, side, and rear lot lines for all lots within the subdivision.
- B. Sewerage Facilities. The method of sewage disposal for each lot within a subdivision or partitioning shall be in accordance with the requirements and standards for sewage disposal administered by and under the jurisdiction of the following agencies and political subdivisions when applicable: The Oregon State Department of Environmental Quality, the County, other state or federal agencies which has regulations applicable to septic tank/drainfields, community collection and treatment facilities or other methods of sewage disposal. The subdivider shall be responsible for providing the necessary information required to determine the adequacy of the method of sewage disposal proposed. All methods of sewage disposal shall also meet any additional requirements of the Commission, the Board, or the Sanitarian, whichever is more restrictive. The method of sewage disposal must be approved for every buildable lot prior to final plat approval.
- C. Requirements for Urban Areas.
  - (1) Water Facilities. Water lines and fire hydrants serving the subdivision or partition and connecting the development to the mains of a city shall be installed to provide adequate water pressure to protect against fire and to serve present and future consumer demand. The materials, sizes, and locations of water mains, valves and hydrants shall be in accordance with the standards of the Fire District, the County, the State and the American Public Works Association.
  - (2) Underground Utilities. All subdivisions or major partitions shall be required to install underground utilities (including, but not limited to, electrical and telephone wiring). The utilities shall be installed pursuant to the requirements of the utility company. Electric power transmission

lines (over 50,000 volts or primary feeder lines) and transformer vaults are exempted from these requirements.

D. Requirements for Rural Areas.

- (1) Water Facilities. If a subdivision or partition proposes to take water from individual wells, the developer must show there is adequate potential for water at the site. This may be done by drilling test wells or by documentation from well drilling logs for the area of the subdivision.

If the subdivision will be served by a community water system, the developer must show there is an adequate supply for all dwellings served by the system.

Water lines serving the subdivision or partition shall be installed to provide adequate water pressure to serve present and future consumer demand. Materials, sizes and locations of water mains, valves, and hydrants shall be in accordance with the standards of the Fire District, the County, the State and the American Public Works Association.

- (2) Utilities. Underground utilities are not required but are encouraged where the cost of installing underground and above ground utilities are approximately equal. Utilities shall be installed pursuant to the requirements of the utility company. Electric power transmission lines (over 50,000 volts) or primary feeder lines, and transformer vaults are exempted from these requirements.

SECTION 914. OTHER REQUIREMENTS FOR URBAN AREAS.

- A. Redevelopment Plan - Applicability. All subdivisions and partitions which would result in the creation of a parcel, or parcels, of less than five acres shall be subject to the following requirements:

- (1) The applicant shall submit to the Planning Department 10 copies of a sketch map, drawn to an appropriate scale, showing the following information:
  - (a) The date, north point, scale, and sufficient description to define the location and boundaries of the parcel to be divided and its location in the planning control area.
  - (b) Name and address of the owner of record and the person who prepared the sketch map.
  - (c) Approximate acreage of the parcel under a single ownership or, if more than one ownership is involved, the total contiguous acreage of all landowners directly involved in the land division.

- (d) For land adjacent to and within the parcel to be divided, the locations, names, and existing widths of all streets and easements of way; location, width, and purpose of all other existing easements; and location of any existing water lines, drainage ways, and power poles.
  - (e) Outline, location, and setback dimensions to property lines of existing buildings to remain in place.
  - (f) Outline, location, and dimensions of existing buildings or any other structures to be removed.
  - (g) Lot layout, showing size and relationship to existing streets and utility easements.
  - (h) Using dashed lines, draw in future lot patterns, road and/or street locations and right-of-way including major arterials.
  - (i) Proposed building locations.
  - (j) Topographic detail when percent of slope exceeds 15%.
  - (k) Future utility line locations and easements.
  - (l) The following statement shall be included on the sketch map - "Dashed lines represent future city lots and streets as based upon the projected densities and zoning established by the city for the urban growth boundary area being developed".
- (2) In order to assure the most suitable location for future lots and roads, the applicant shall submit one copy of a sketch map of the subject property showing where soil conditions are most, and least, appropriate for subsurface sewage systems.
- (3) Within five calendar days of receipt of an application for a subdivision or partition within an urban growth boundary, the County Planning Department shall forward one copy of the sketch maps to the affected jurisdiction for review against their ordinances. The affected jurisdictions shall have 10 calendar days from the date of receipt of the sketch maps to notify the County Planning Department of any inconsistencies with city's plans or ordinances.

No response by the affected jurisdiction within the 10 day period shall indicate tacit approval of the proposed subdivision or partition.



Should the affected jurisdiction notify the County Planning Department within the noted 10 day period that the proposed subdivision or partition does not comply with their plans or ordinances, the Planning Department shall schedule the request before the next scheduled County Planning Commission Hearing as a non-public hearing item.

The County Planning Commission shall review the proposal on the record and make findings as to whether the proposal meets the intent of the affected jurisdiction's plans, ordinances, and Urban Growth Area Management Agreement. The County Planning Commission shall approve or deny the proposal based upon the findings of fact. Either the applicant or the affected jurisdiction may appeal the Commission's decision in accordance with this Ordinance.

- B. Parks, Recreation, and Open Space Provisions. The Director or Commission may require a maximum of five percent of the gross area of such subdivision or major partition to be set aside by the subdivider for either dedication to the public or parks and recreation purposes or for open space for the common use of the owners of properties within such subdivision or major partition. In the event open space is required by the Director or Commission, its common use will be governed by a homeowner's association. The association's principal source of funds shall be an assessment levied against each dwelling unit or other property which assessment shall be enforceable as a lien against the property.

SECTION 915. OTHER REQUIREMENTS.

In rural and urban areas, in addition to the improvements required by the provisions of this ordinance, the subdivider may be required to provide other improvements because of specific features of the land and the design and location of the subdivision or major partition. Improvements such as bridges, culverts, and the fencing of watercourses, rights-of-way, and recreation areas and facilities may be required where necessary for the health, safety, and general welfare of residents of the subdivision or major partition.

# Chapter 92

1989 EDITION

## Subdivisions and Partitions

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- City planning commissions, Ch. 227
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## APPROVAL OF PLAN; PLATS

**92.010 Definitions for ORS 92.010 to 92.190.** As used in ORS 92.010 to 92.190, unless the context requires otherwise:

(1) "Lot" means a unit of land that is created by a subdivision of land.

(2) "Major partition" means a partition which includes the creation of a road or street.

(3) "Minor partition" means a partition that does not include the creation of a road or street.

(4) "Negotiate" means any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to advertising, solicitation and promotion of the sale of such land.

(5) "Parcel" means a unit of land that is created by a partitioning of land.

(6) "Partition" means either an act of partitioning land or an area or tract of land partitioned.

(7) "Partition land" means to divide land into two or three parcels of land within a calendar year, but does not include:

(a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance; or

(c) A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r).

(8) "Partition plat" includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor partition.

(9) "Plat" includes a final subdivision plat, replat or partition plat.

(10) "Replat" includes a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, location, specifications, dedications and provisions and information concerning a recorded subdivision.

(11) "Road" or "street" means a public or private way that is created to provide

ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

(12) "Sale" or "sell" includes every disposition or transfer of land in a subdivision or partition or an interest or estate therein.

(13) "Subdivide land" means to divide land into four or more lots within a calendar year.

(14) "Subdivision" means either an act of subdividing land or an area or a tract of land subdivided.

(15) "Subdivision plat" includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision. [Amended by 1955 c.756 §1; 1973 c.696 §3; 1977 c.809 §4; 1979 c.46 §1; 1985 c.369 §5; 1985 c.717 §1; 1989 c.772 §1]

**92.012 Compliance with ORS 92.010 to 92.190 required.** No land may be subdivided or partitioned except in accordance with ORS 92.010 to 92.190. [1973 c.696 §2; 1975 c.643 §24]

**92.014 Approval of city or county required before creating street or road to partition land.** (1) No person shall create a street or road for the purpose of partitioning an area or tract of land without the approval of the city or county having jurisdiction over the area or tract of land to be partitioned.

(2) No instrument dedicating land to public use shall be accepted for recording in this state unless such instrument bears the approval of the city or county authorized by law to accept such dedication. [1955 c.756 §3; 1973 c.696 §4]

**92.016 When sales of lots prohibited until approval obtained; exception.** (1) No person shall sell any lot in any subdivision with respect to which approval is required by any ordinance or regulation adopted under ORS 92.044 and 92.048 until such approval is obtained. No person shall negotiate to sell any lot in a subdivision until a tentative plan has been approved.

(2) A person may negotiate to sell any parcel in a major partition or in a minor partition with respect to which approval of a tentative plan is required by any ordinance or regulation adopted under ORS 92.044 or 92.046, respectively, prior to the approval of the tentative plan for the major or minor partition; but no person may sell any parcel in a major partition or in a minor partition for which approval of a tentative plan is required by any ordinance or regulation adopted under ORS 92.044 or 92.046, respectively, prior to such approval. [1955 c.756 §24; 1973 c.696 §5; 1974 s.s. c.74 §1; 1977 c.809 §5]

**92.017 When lawfully created lots and parcels remain discrete lots and parcels.** A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are changed or vacated or the lot or parcel is further divided, as provided by law. [1985 c.717 §3]

**92.018 Buyer's remedies for purchase of improperly created lot or parcel.** A person who buys a lot or parcel that was created without approval of the appropriate city or county authority may bring an individual action against the seller in an appropriate court to recover damages or to obtain equitable relief. The court may award, in addition to the remedies provided in this section, both reasonable attorney fees and costs incurred on trial and on appeal. [1983 c.718 §4]

**92.020** [Repealed by 1955 c.756 §5 (92.025 enacted in lieu of 92.020 and 92.030)]

**92.025 Prohibition of sales of lots or certain interests prior to recordation of plat.** (1) No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition until the plat of the subdivision or partition has been acknowledged and recorded with the recording officer of the county in which the lot is situated.

(2) No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition by reference to or exhibition or other use of a plat of such subdivision or partition before the plat for such subdivision or partition has been so recorded. In negotiating to sell a lot in a subdivision or convey any interest in a parcel in any partition under ORS 92.016 (1) and (2), a person may use the approved tentative plan for such subdivision or partition. [1955 c.756 §6 (enacted in lieu of 92.020 and 92.030); 1973 c.696 §6; 1977 c.809 §6; 1989 c.772 §4]

**92.030** [Repealed by 1955 c.756 §5 (92.025 enacted in lieu of 92.020 and 92.030)]

**92.040 Application for approval of subdivision or partition; tentative plan.** Before a plat of any subdivision or partition subject to review under ORS 92.044 may be made and recorded, the person proposing the subdivision or partition or authorized agent or representative of the person shall make an application in writing to the county or city having jurisdiction under ORS 92.042 for approval of the proposed subdivision or partition in accordance with procedures established by the applicable ordinance or regulation adopted under ORS 92.044. Each such application shall be accompanied by a tentative plan showing the general design of the proposed subdivision or partition. No plat for any proposed subdivision or partition may be considered for approval by a city or county until the tentative plan for the proposed subdivision or partition has been ap-

proved by the city or county. Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision or partition for recording; however, approval by a city or county of such tentative plan shall be binding upon the city or county for the purposes of the preparation of the subdivision or partition plat, and the city or county may require only such changes in the subdivision or partition plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision or partition. [Amended by 1955 c.756 §7; 1973 c.696 §7; 1983 c.826 §8; 1989 c.772 §5]

**92.042 Governing body having jurisdiction to approve plans, maps or plats.**

(1) Land within six miles outside of the corporate limits of a city is under the jurisdiction of the city for the purpose of giving approval of plans, maps and plats of subdivisions and major partitions under ORS 92.040 and 227.110. However, unless otherwise provided in an urban growth area management agreement jointly adopted by a city and county to establish procedures for regulating land use outside the city limits and within an urban growth boundary acknowledged under ORS 197.251, when the governing body of a county has adopted ordinances or regulations for subdivision and major partition control as required by ORS 92.044, land in the county within the six-mile limit shall be under the jurisdiction of the county for those purposes.

(2) Land over six miles from the corporate limits of a city is under the jurisdiction of the county for the purpose of giving approval of plans, maps and plats for subdivisions and major partitions under ORS 92.040. [1955 c.756 §4; 1973 c.261 §1; 1973 c.696 §8; 1983 c.570 §3]

**92.044 Adoption of standards and procedures governing approval of plats and plans; delegation to planning commission; fees.** (1) The governing body of a county or a city shall, by regulation or ordinance, adopt standards and procedures, in addition to those otherwise provided by law, governing, in the area over which the county or the city has jurisdiction under ORS 92.042, the submission and approval of tentative plans and plats of subdivisions, tentative plans and plats of major partitions and tentative plans and plats of minor partitions in exclusive farm use zones established under ORS 215.203 to 215.263.

(a) Such standards may include, taking into consideration the location and surrounding area of the proposed subdivisions or the partitions, requirements for:

(A) Placement of utilities, for the width and location of streets or for minimum lot

sizes and such other requirements as the governing body considers necessary for lessening congestion in the streets;

(B) Securing safety from fire, flood, slides, pollution or other dangers;

(C) Providing adequate light and air including protection and assurance of access to incident solar radiation for potential future use;

(D) Preventing overcrowding of land;

(E) Facilitating adequate provision of transportation, water supply, sewerage, drainage, education, recreation or other needs; or

(F) Protection and assurance of access to wind for potential electrical generation or mechanical application.

(b) Such ordinances or regulations shall establish the form and contents of tentative plans of partitions and subdivisions submitted for approval.

(c) The procedures established by each such ordinance or regulation shall provide for the coordination in the review of the tentative plan of any subdivision or partition with all affected city, county, state and federal agencies and all affected special districts.

(d) The procedures established by each such ordinance or regulation shall include a provision for notifying a person proposing a subdivision or partition of the requirement to file a statement of water right and, if a water right is appurtenant, a copy of the acknowledgment from the Water Resources Department must be attached before the county recording officer may accept the plan or plat of the subdivision or partition for recording under ORS 92.120.

(2)(a) The governing body of a city or county may provide for the delegation of any of its lawful functions with respect to subdivisions and partitions to the planning commission of the city or county or to an official of the city or county appointed by the governing body for such purpose.

(b) If an ordinance or regulation adopted under this section includes the delegation to a planning commission or appointed official of the power to take final action approving or disapproving a tentative plan for a subdivision or partition, such ordinance or regulation shall also provide for appeal to the governing body from such approval or disapproval.

(c) The governing body may establish, by ordinance or regulation, a fee to be charged for an appeal under this subsection. The fee shall be reasonable and shall be no more than the average cost of such appeals or the actual cost of the appeal, excluding the cost

of preparation of a written transcript. The governing body may establish a fee for the preparation of a written transcript. That fee shall be reasonable and shall be no more than the actual cost of the transcript up to \$500 plus one-half the actual costs over \$500.

(3) The governing body may, by ordinance or regulation, prescribe fees sufficient to defray the costs incurred in the review and investigation of and action upon proposed subdivisions that are submitted for approval pursuant to this section. As used in this subsection, "costs" does not include costs for which fees are prescribed under ORS 92.100 and 205.350.

(4) The governing body may, by ordinance or regulation, prescribe fees sufficient to defray the costs incurred in the review and investigation of and action upon proposed partitions that are submitted for approval pursuant to this section.

(5) Ordinances and regulations adopted under this section shall be adopted in accordance with ORS 92.048.

(6) Any ordinance or regulation adopted under this section shall comply with the comprehensive plan for the city or county adopting the ordinance or regulation.

(7) For the purposes of this section:

(a) "Incident solar radiation" means solar energy falling upon a given surface area.

(b) "Wind" means the natural movement of air at an annual average speed measured at a height of 10 meters of at least eight miles per hour. [1955 c.756 §9; 1973 c.696 §9; 1974 s.s. c.74 §2; 1979 c.671 §1; 1981 c.590 §5; 1983 c.570 §1; 1983 c.826 §9; 1983 c.827 §19e; 1987 c.649 §11; 1989 c.772 §6]

**92.046 Adoption of regulations governing approval of partitioning of land not otherwise subject to approval; establishment of fees.** (1) The governing body of a county or a city may, as provided in ORS 92.048, when reasonably necessary to accomplish the orderly development of the land within the jurisdiction of such county or city under ORS 92.042 and to promote the public health, safety and general welfare of the county or city, adopt regulations or ordinances governing approval, by the county or city of proposed partitions. Such regulations or ordinances shall be applicable throughout the area over which the county or city has jurisdiction under ORS 92.042, or over any portion thereof. Such ordinances or regulations may specify the classifications of such partitions which require approval under this section and may establish standards and procedures governing the approval of tentative plans for such partitions. The standards may include all, or less than all, of the same requirements as are provided or authorized for subdivisions under ORS 92.010 to 92.190



and may provide for different standards and procedures for different classifications of such partitions so long as the standards are no more stringent than are imposed by the city or county in connection with subdivisions.

(2) Such ordinances or regulations may establish the form and contents of the tentative plans of partitions submitted for approval.

(3)(a) The governing body of a city or county may provide for the delegation of any of its lawful functions with respect to partitions to the planning commission of the city or county or to an official of the city or county appointed by the governing body for such purpose.

(b) If an ordinance or regulation adopted under this section includes the delegation to a planning commission or appointed official of the power to take final action approving or disapproving a tentative plan for a partition, such ordinance or regulation shall also provide for appeal to the governing body from such approval or disapproval and require initiation of any such appeal within 10 days after the date of the approval or disapproval from which the appeal is taken.

(c) The governing body may establish, by ordinance or regulation, a fee to be charged for an appeal under this subsection. The fee shall be reasonable and shall be no more than the average cost of such appeals or the actual cost of the appeal, excluding the cost of preparation of a written transcript. The governing body may establish a fee for the preparation of a written transcript. That fee shall be reasonable and shall be no more than the actual cost of the transcript up to \$500 plus one-half the actual costs over \$500.

(4) The governing body may, by ordinance or regulation, prescribe fees sufficient to defray the costs incurred in the review and investigation of and action upon applications for approval of proposed partitions.

(5) No tentative plan of a proposed partition may be approved unless the tentative plan complies with the applicable zoning ordinances and regulations and the ordinances or regulations adopted under this section that are then in effect for the city or county within which the land described in the tentative plan is situated.

(6) Any ordinance or regulation adopted under this section shall comply with the comprehensive plan for the city or county adopting the ordinance or regulation. [1955 c.756 §22; 1973 c.696 §10; 1983 c.827 §19f; 1989 c.772 §7]

**92.048 Procedure for adoption of regulations under ORS 92.044 and 92.046.** The procedure for adoption of any ordinance or

regulation under ORS 92.044 and 92.046 is as follows:

(1) The planning commission of the county or the city shall hold a public hearing on the proposed ordinance or regulation after publishing notice of the hearing 10 days prior to the hearing in a newspaper of general circulation published in the area in which land to be subject to such ordinance or regulation is situated or, if there is no such newspaper, a newspaper of general circulation published in the county. The notice shall contain the time, place and purpose of the hearing and a description of the land to be subject to the ordinance or regulation.

(2) Prior to the expiration of 60 days after the date of such hearing, the planning commission may transmit its recommendation regarding the proposed ordinance or regulation to the governing body of the county or city, as the case may be. If the planning commission recommendation has not been received by the governing body of the county or the city prior to the expiration of such 60-day period, the governing body may consider the ordinance or regulation without recommendation of the planning commission thereon.

(3) Prior to the adoption of such ordinance or regulation, the governing body of the county or the city shall hold a hearing thereon after giving notice of the hearing in the same manner provided in subsection (1) of this section.

(4) A copy of any regulation or ordinance adopted by the governing body of a county or a city under this section, together with a map of the area subject to the regulation or ordinance and a brief statement of the different classifications, if any, of land partitioning under the ordinance or regulation, shall be filed with the recording officer of the county in which the land subject to the ordinance or regulation is situated. Such ordinance or regulation shall not be effective until so filed. If the ordinance or regulation is applicable throughout all of the area over which the county or city has jurisdiction under ORS 92.042, only an outline map of such area shall be filed with the recording officer of the county.

(5) The ordinance or regulation may be amended from time to time by following the procedure prescribed in this section. [1955 c.756 §23; 1973 c.314 §1; 1973 c.696 §11; 1983 c.570 §2]

**92.050 Requirements of survey and plat of subdivision and partition.** (1) No subdivider shall submit a plat of a subdivision or partition for record, until all the requirements of ORS 209.250 and the plat requirements of the subdivision or partition have been met.

(2) The survey for the plat of the subdivision or partition shall be of such accuracy that the linear error of closure shall not exceed one foot in 10,000 feet.

(3) The survey and plat of the subdivision or partition shall be made by a registered professional land surveyor.

(4) The plat of the subdivision or partition shall be of such scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon. Each lot or parcel shall be numbered consecutively. If used, blocks shall be lettered or numbered. The lengths and courses of all boundaries of each lot or parcel shall be shown. Each street shall be named.

(5) The locations and descriptions of all monuments found or set shall be carefully recorded upon all plats and the proper courses and distances of all boundary lines shall be shown.

(6) The location, dimensions and purpose of all recorded and proposed public and private easements shall be shown on the subdivision or partition plat along with the county clerk's recording reference if the easement has been recorded with the county clerk.

(7) The area of each lot or parcel shall be shown on the subdivision or partition plat.

(8) In addition to showing bearings in degrees, minutes and seconds of a degree and distances in feet and hundredths of a foot, the following curve information shall be shown on the subdivision or partition plat either on the face of the map or in a separate table:

- (a) Arc length;
- (b) Chord length;
- (c) Chord bearing;
- (d) Radius; and
- (e) Central angle.

(9) The surveyor submitting any subdivision, condominium or partition plat that is within one-half mile of an established geodetic control monument, that has been approved by the National Geodetic Survey or has been approved by and filed with the county surveyor, shall, by field survey according to Federal Geodetic Control Committee guidelines for third order class II, show the measured angles and distances from the geodetic control monument to the initial point of a subdivision or condominium or to a monumented boundary corner of a partition. If there is an azimuth mark for the geodetic control monument or if there is another geodetic control monument that is intervisible to the primary geodetic control monument, the bearings shall be based, if

practicable, on the bearings between the geodetic control monument and the azimuth mark or the intervisible geodetic control monument.

(10) Notwithstanding the provisions of subsection (9) of this section, the county surveyor may waive the requirement of a distance and bearing to a geodetic control monument if the subdivision or condominium, or partition thereof, has previously furnished the required information. [Amended by 1955 c.756 §10; 1983 c.309 §3; 1989 c.772 §8]

**92.060 Marking certain points of plats of subdivisions and partitions with monuments; specifications of monuments; monuments placed before recording.** (1) The initial point of all subdivision plats shall be marked with a monument, either of concrete or galvanized iron pipe. If concrete is used it shall not be less than 6 inches by 6 inches by 24 inches and shall contain not less than five cubic inches of ferrous material permanently imbedded in the concrete. If galvanized iron pipe is used it shall not be less than two inches in inside diameter and three feet long. The monument shall be set or driven six inches below the surface of the ground. The location of the monument shall be with reference by survey to a section corner, one-quarter corner, one-sixteenth corner, Donation Land Claim corner or to a monumented lot corner or boundary corner of a recorded subdivision or condominium. The county surveyor may authorize the setting of another type of monument in circumstances where setting the required monuments is impracticable.

(2) In subdivision plats, the intersections, points of curves and points of tangents, or the point of intersection of the curve if the point is within the pavement area of the road, of the centerlines of all public streets and roads and all points on the exterior boundary where the boundary line changes direction, shall be marked with monuments either of concrete, galvanized iron pipe, or iron or steel rods. If concrete is used it shall be as described in subsection (1) of this section. If galvanized iron pipe is used it shall not be less than three-quarter inch inside diameter and 30 inches long, and if iron or steel rods are used they shall not be less than five-eighths of an inch in least dimension and 30 inches long. The county surveyor may authorize the setting of another type of monument in circumstances where setting the required monuments is impracticable.

(3) All lot corners except lot corners of cemetery lots shall be marked with monuments of either galvanized iron pipe not less than one-half inch inside diameter or iron or steel rods not less than five-eighths inch in least dimension and not less than 24 inches



long. The county surveyor may authorize the setting of another type of monument in circumstances where setting the required monuments is impracticable.

(4) Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them to within one-tenth of a foot.

(5) Monuments shall be set with such accuracy that measurements may be taken between monuments within one-tenth of a foot or within 1/5,000 of the distance shown on the subdivision or partition plat, whichever is greater.

(6) All monuments on the exterior boundaries of a subdivision shall be placed and the monuments shall be referenced on the plat of the subdivision before the plat of the subdivision is offered for recording. However, interior monuments for the subdivision need not be set prior to the recording of the plat of the subdivision if the registered professional land surveyor performing the survey work certifies that the interior monuments will be set on or before a specified date as provided in ORS 92.070 (2) and if the person subdividing the land furnishes to the county or city by which the subdivision was approved a bond, cash deposit or other security as required by the county or city guaranteeing the payment of the cost of setting the interior monuments for the subdivision as provided in ORS 92.065.

(7) All monuments on the exterior boundary and all parcel corner monuments of partitions shall be placed before the partition is offered for recording. Unless the governing body provides otherwise, any parcels created that are greater than 10 acres need not be surveyed or monumented. [Amended by 1955 c.756 §11; 1973 c.696 §12; 1983 c.309 §4; 1989 c.772 §9]

**92.065 Monumenting interior corners after recording plat; bond, cash deposit or other security.** (1) If the interior corners of a subdivision are to be monumented on or before a specified date after the recording of the plat of the subdivision, the person subdividing the land described in the subdivision plat shall furnish to the county surveyor, prior to approval of the subdivision plat by the county surveyor, a bond, cash deposit or other security, as required at the option of the city or county, in an amount equal to 120 percent of the estimated cost of performing the work for the interior monumentation.

(2) The county surveyor may require that the setting of the interior corners of the subdivision be delayed, according to the provisions of this section, if the installation of street and utility improvements has not been completed, or if other conditions or circumstances justify the delay.

(3) The person subdividing the lands described in subsection (1) of this section shall pay the surveyor for performing the interior monumentation work and notify the county surveyor of the payment. The county surveyor, within three months after the notice, shall release the bond or other required security, or return the cash deposit upon a finding that the payment has been made. Upon written request from the person subdividing the land, the governing body may pay the surveyor from moneys within a cash deposit held by it for that purpose and return the excess of the cash deposit, if any, to the person who made the deposit. If the subdivider has not paid the surveyor within 30 days of final approval of the interior monumentation, the city or county may pay the surveyor from moneys held in a cash deposit, if any, or require payment to be made from other security.

(4) In the event of the death, disability or retirement from practice of the surveyor charged with the responsibility for setting interior monuments for a subdivision or upon the failure or refusal of the surveyor to set the monuments, the county surveyor shall cause the monumentation to be completed and referenced for recording as provided in ORS 92.070. If another surveyor completes the interior monumentation, the surveyor completing the interior monumentation shall place the surveyor's seal and signature on the original subdivision plat and any true and exact copies filed in accordance with ORS 92.120 (2). Payment of the fees for completing said monumentation shall be made by the subdivider within 30 days of the completion of such work. In the event that the subdivider fails to pay such fees within 30 days, the bond, cash deposit or other security may be used to pay such fees; and when such cash or other securities are inadequate to cover the cost incurred by the county surveyor, the balance due will constitute a lien on any lots in the subdivision that are still in the ownership of the subdivider when recorded pursuant to ORS 93.600 to 93.800. [1973 c.696 §14; 1983 c.309 §5; 1989 c.772 §10]

**92.070 Surveyor's affidavits; procedure for recording monumented corners on plat previously recorded.** (1) Except as otherwise provided in this section, all subdivision or partition plats designating the location of land in any county in the State of Oregon, offered for record, shall have attached thereon an affidavit of the surveyor having surveyed the land represented on the subdivision plat, to the effect that the surveyor has correctly surveyed and marked with proper monuments the lands as represented, and has placed a proper monument as provided in ORS 92.060 indicating the initial point of the survey, and giving the di-

mensions and kind of monument, and its location in accordance with ORS 92.060 (1) and accurately describing the tract of land upon which the lots and blocks or parcels are laid out.

(2) If the person subdividing any land has complied with ORS 92.065 (1), the surveyor may prepare the plat of the subdivision for recording with only the exterior monuments referenced on the subdivision plat as submitted for recording. The subdivision plat shall include an affidavit of the surveyor that the interior corners for the subdivision will be monumented on or before a specified date in accordance with ORS 92.060, noting those monuments to be set on or before said specified date on the subdivision plat as approved by the city or county.

(3) After the interior corners for a subdivision have been monumented as provided in an affidavit submitted under subsection (2) of this section, the surveyor performing the work shall:

(a) Within five days after completion of the work, notify the person subdividing the land involved and the surveyor of the city or county by which the subdivision was approved; and

(b) Upon approval of the work under ORS 92.100 by the county surveyor, submit an affidavit for recording stating that the subdivision plat has been correctly surveyed and marked with proper monuments at the interior corners of the subdivisions as noted on the original subdivision plat. Any monument that cannot be set shall be separately noted and a reference monument shall be set. The affidavit shall be approved by the county surveyor before recording. The surveyor who prepared the affidavit shall cause the affidavit to be recorded in the office of the county recorder where the subdivision plat is recorded. The county clerk shall promptly provide a recorded copy of the affidavit to the county surveyor. The county surveyor shall note the monuments set and the recorder's information on the original subdivision and any true and exact copies filed in accordance with ORS 92.120 (2).

(4) The county surveyor approving the work pursuant to subsection (3) of this section shall reference the approval upon the subdivision plat and tracings previously recorded. A city surveyor approving the work under ORS 92.100 (1) shall reference that surveyor's approval on the affidavit required under this section prior to approval by the county surveyor. [Amended by 1973 c.696 §13; 1983 c.309 §6; 1989 c.772 §11]

**92.080 Preparation of plat.** All plats subdividing or partitioning any land in any county in this state, and dedications of

streets or roads or public parks and squares and other writings made a part of such subdivision or partition plats offered for record in any county in this state shall be made in permanent black india type ink or silver halide permanent photocopy, upon material that is 18 inches by 24 inches in size with an additional three-inch binding edge on the left side when required by the county clerk or the county surveyor, that is suitable for binding and copying purposes, and that has such characteristics of strength and permanency as may be required by the county surveyor. The subdivision or partition plat shall be of such a scale as required by the county surveyor. The lettering of the approvals, the dedication, the affidavit of the surveyor and all other information shall be of such a size or type as will be clearly legible, but no part shall come nearer any edge of the sheet than one inch. The subdivision or partition plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for subdivision or partition plats placed upon three or more sheets. [Amended by 1955 c.756 §12; 1973 c.696 §15; 1985 c.582 §1; 1989 c.772 §12]

**92.090 Requisites for approval of tentative subdivision or partition plan or plat.** (1) No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name, approved by the county surveyor or the county assessor, which is the same as, similar to or pronounced the same as the name of any other subdivision in the same county, 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 contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last filed.

(2) No tentative plan for a proposed subdivision and no tentative plan for a proposed major partition shall be approved unless:

(a) The streets and roads are laid out so as to conform to the plats of subdivisions and major partitions already approved for adjoining property as to width, general direction and in all other respects unless the city or county determines it is in the public interest to modify the street or road pattern.

(b) 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.

(c) The tentative plan complies with the applicable zoning ordinances and regulations and the ordinances or regulations adopted

under ORS 92.044 that are then in effect for the city or county within which the land described in the plan is situated.

(3) No plat of a proposed subdivision or partition shall be approved unless:

(a) Streets and roads for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.

(b) Streets and roads held for private use and indicated on the tentative plan of such subdivision or major partition have been approved by the city or county.

(c) The subdivision or partition plat complies with any applicable zoning ordinances and regulations and any ordinance or regulation adopted under ORS 92.044 that are then in effect for the city or county within which the land described in the subdivision or partition plat is situated.

(d) The subdivision or partition plat is in substantial conformity with the provisions of the tentative plan for the subdivision or partition, as approved.

(e) The subdivision or partition plat contains a 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 partition.

(f) Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision or partition have been recorded and referenced on the subdivision or partition plat.

(4) Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of a subdivision shall be approved by a city or county unless the city or county 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 Commission of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed subdivision plat;

(b) A bond, contract or other assurance by the subdivider to the city or county 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 subdivision 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 city or county; or

(c) In lieu of paragraphs (a) and (b) of this subsection, a statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed subdivision plat, even though a domestic water supply source may exist. A copy of any such statement, signed by the subdivider and indorsed by the city or county, shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the commissioner in any public report made for the subdivision under ORS 92.385. If the making of a public report has been waived or the subdivision is otherwise exempt under the Oregon Subdivision Control Law, the subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement, shall immediately send a copy of the receipt to the commissioner and shall keep any such receipt on file in this state, subject to inspection by the commissioner, for a period of three years after the date the receipt is taken.

(5) Subject to any standards and procedures adopted pursuant to ORS 92.044, no plat of a subdivision shall be approved by a city or county unless the city or county 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 subdivision plat;

(b) A bond, contract or other assurance by the subdivider to the city or county 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 subdivision 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 the city or county considers necessary; or

(c) In lieu of paragraphs (a) and (b) of this subsection, a statement that no sewage disposal facility will be provided to the purchaser of any lot depicted in the proposed subdivision plat, where the Department of Environmental Quality has approved the proposed method or an alternative method of sewage disposal for the subdivision in its evaluation report described in ORS 454.755 (1)(b). A copy of any such statement, signed

by the subdivider and indorsed by the city or county shall be filed by the subdivider with the Real Estate Commissioner and shall be included by the commissioner in the public report made for the subdivision under ORS 92.385. If the making of a public report has been waived or the subdivision is otherwise exempt under the Oregon Subdivision Control Law, the subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement, shall immediately send a copy of the receipt to the commissioner and shall keep any such receipt on file in this state, subject to inspection by the commissioner, for a period of three years after the date the receipt is taken. [Amended by 1955 c.31 §1; 1955 c.756 §13; 1965 c.393 §1; 1973 c.696 §16; 1974 s.s. c.74 §3; 1983 c.309 §7; 1989 c.772 §13]

**92.095 Payment of taxes, interest or penalties before subdivision plat recorded.** (1) No subdivision plat shall be recorded unless all ad valorem taxes, including potential additional taxes, interest and penalties imposed on land disqualified for special assessment granted under ORS 308.370 (2), 321.272 (2) or 321.420 (2), and all special assessments, fees, or other charges required by law to be placed upon the tax roll have been paid which have become a lien upon the subdivision or which will become a lien during the calendar year.

(2) After January 1, and before the certification under ORS 311.105 of any year, the subdivider shall:

(a) If the exact amount of taxes, special assessments, fees and charges are able to be computed by the assessor, pay such amount to the tax collector. The assessor is authorized to levy and the tax collector is authorized to collect such amount.

(b) If the assessor is unable to compute such amount at such time, either (A) pay the amount estimated by the assessor to be needed to pay the taxes, special assessments, fees and other charges to become due, or (B) deposit with the tax collector a bond with a good and sufficient undertaking in such amount as the assessor considers adequate to insure payment of the taxes to become due. In no event shall the bond amount exceed twice the amount of the previous year's taxes, special assessments, fees and other charges upon such subdivision.

(3) Taxes paid or bonded for under paragraph (a) or (b) of subsection (2) of this section shall be entitled to the discount provided by ORS 311.505.

(4) ORS 311.370 shall apply to all taxes levied and collected under subsection (2) of this section, except that any deficiency shall constitute a personal debt against the person subdividing the land and not a lien against the subdivision land, and shall be collected as provided by law for the collection of personal property taxes.

(5) If a subdivision plat is recorded, any potential additional taxes, interest or penalties imposed upon land disqualified for special assessment granted under ORS 308.370 (2), 321.272 (2) or 321.420 (2) shall become a lien upon the subdivision on the day before the subdivision plat was recorded. [1965 c.393 §2; 1973 c.696 §17; 1979 c.350 §3; 1981 c.804 §69; 1983 c.462 §1; 1989 c.772 §14]

**92.097 Employment of private licensed engineer by private developer; government standards and fees.** (1) No city, county or special district shall prohibit the employment by a developer of a licensed engineer to design or supervise the installation of the improvements of streets, water and sewer lines or other public improvements that are to be installed in conjunction with the development of land using private funds.

(2) When design or supervision of installation of improvements is performed by a licensed engineer under subsection (1) of this section, the city, county or special district may elect to establish standards for such improvements, review and approve plans and specifications and inspect the installation of improvements. The city, county or special district may collect a fee for inspection and any other services provided in an amount not to exceed the actual cost of performing the inspection or other services provided. [1979 c.191 §2]

**92.100 Approval of plat by city or county surveyor; procedures; approval by county assessor and county governing body; fees.** (1) Before any subdivision or partition plat can be recorded, covering land within the corporate limits of any city, it must be approved by the county surveyor. However, for the purposes of this chapter, the governing body of the city may, by resolution or order, designate the city surveyor to serve in lieu of the county surveyor. Except as provided in subsection (4) of this section, if the land is outside the corporate limits of any city, the subdivision or partition plat shall be approved by the county surveyor before it is recorded. All subdivision plats must also be approved by the county assessor and the governing body of the county in which the property is located before recording. Unless provided for by ordinance of the governing body, partition plats shall be subject only to the approval of the city or county surveyor.

(2) Before approving the subdivision plat as required by this section, the county surveyor shall check the subdivision site and the subdivision plat and shall take such measurements and make such computations as are necessary to determine that the subdivision plat complies with the provisions of ORS 92.050 and with the subdivision requirements in effect in the area. For performing such service the county surveyor shall collect from the subdivider a fee of \$100 plus \$5 for each lot contained in the subdivision. The governing body of a city or county may establish a higher fee by ordinance.

(3) Before approving the partition plat as required by this section, the county surveyor, as provided by subsection (1) of this section, shall check the partition plat and make such computations and other determinations that the partition plat complies with the provisions of this and other applicable laws. For performing such service, the county surveyor shall collect from the partitioner a fee to be established by the governing body.

(4) Any subdivision or partition plat prepared by the county surveyor in a private capacity shall be approved in accordance with subsection (2) or (3) of this section, whichever is applicable, by the surveyor of a county other than the county where the land is located and who has been designated by the county surveyor. The designated county surveyor shall collect the applicable subdivision or partition plat check fee, and any travel expenses incurred, as established by the designated county surveyor's board of commissioners. The subdivision or partition plat check fee and other expenses shall be paid by the subdivider prior to approval of the subdivision or partition plat by the designated county surveyor.

(5) Nothing in this section shall be construed to prohibit a city, county or special district from requiring engineering review and approval of a subdivision plat to assure compliance with state and local subdivision requirements that relate to matters other than survey adequacy. [Amended by 1955 c.31 §2; 1955 c.756 §14; 1957 c.688 §1; 1963 c.285 §1; 1971 c.419 §1; 1979 c.824 §1; 1989 c.772 §15]

**92.105 Time limit for final action by city or county on tentative plan.** The governing body of a city or county or its designate is subject to the provisions of ORS 215.428 or 227.178 in taking final action on an application for approval of a tentative plan for a subdivision or partition located within an acknowledged urban growth boundary. [1981 c.884 §2; 1983 c.827 §51; 1989 c.772 §16]

**92.110 Land in special districts; approval of plat; appeal from refusal of district to approve or act.** All plats of

subdivisions located within the boundaries of an irrigation district, drainage district, water control district or district improvement company shall be submitted to the board of directors of the district or company and its approval thereof shall be indorsed thereon by the board before approval of such plat of any subdivision by the governing body of the county. Except that if a subdivider is unable to obtain action or approval of any district or company within 45 days, the subdivider shall notify the governing body in writing and thereafter the governing body shall serve notice on that district or company by certified mail advising the district or company that any objections to the subdivision plat must be filed in writing with the governing body within 20 days and failure of the district or company to respond shall be considered by the governing body as approval of such subdivision plat and the governing body shall indorse thereon a finding that the district or company failed to act and the governing body may thereafter approve such subdivision plat without the approval of such district or company indorsed thereon. [Amended by 1955 c.756 §15; 1973 c.351 §1; 1989 c.772 §25]

**92.120 Filing and recording plats; copies; plan, plat or replat for land to which water right is appurtenant.** (1) The plat of a subdivision described in ORS 92.050 when made and approved as required, and offered for record in the records of the county where the described land is situated, shall, upon the payment of the fees provided by law, be filed by the county recording officer. The fact of filing and the date thereof shall be entered thereon, and it shall then be securely bound with other subdivision plats of like character in a book especially prepared for that purpose and designated as "Record of Town Plats," or filed in a special cabinet for that purpose so as to insure safekeeping and preservation of the subdivision plat.

(2) The partition plat described in ORS 92.050, when made and approved as required and offered for record in the records of the county where the described land is situated, shall, upon the payment of the fees provided by law, be filed by the county recording officer. The fact of filing and the date thereof shall be entered thereon, and it shall then be securely filed with other partition plats of like character and designated as "Record of Partition Plats." Partition plats shall be recorded and numbered by year and sequentially.

(3) At the time of filing such subdivision plat or partition plat, the person offering it for filing shall also file with the county surveyor and with the county recording officer, if requested by the county recording officer,



an exact copy thereof, made with permanent black india type ink or silver halide permanent photocopy upon a good quality of linen tracing cloth or any other suitable drafting material having the same or better characteristics of strength, stability and transparency. The surveyor who made the subdivision or partition plat shall make an affidavit to indicate that the photocopy or tracing is an exact copy of the subdivision or partition plat. The copy filed with the county recording officer shall be certified by that officer to be an exact copy and then shall be filed in the archives of the county, and be preserved by filing without folding or cutting. The subdivider shall provide without cost the number of prints from such copy as may be required by the governing body of the county.

(4) For the purpose of preserving the original subdivision or town plats or partition plats, any such plats may be stored for safekeeping without folding or cutting and a copy of the original subdivision or partition plat certified by the county recording officer may be used as the official subdivision or partition plat for public use.

(5) Except for a plat of a subdivision subject to the requirements of ORS 92.110, the person offering for filing an approved plat of a subdivision or partition for a parcel of land to which a water right is appurtenant shall also submit a copy of the subdivision or partition plat to the Water Resources Department for the purpose of updating the water rights records of the department. The county recording officer shall not accept for filing a plat of a subdivision or partition for a parcel of land without:

(a) A statement of water rights noted on the subdivision plat or partition plat.

(b) A copy of the acknowledgment from the Water Resources Department under ORS 92.122, if the person offering the subdivision or partition plat for filing indicates on the statement of water rights that a water right is appurtenant to the subdivision or partition.

(6) No action may be maintained against the county recording officer for recording an instrument that does not contain the statement of water right or the acknowledgment required under subsection (5) of this section. [Amended by 1955 c.756 §16; 1973 c.696 §18; 1977 c.488 §1; 1985 c.582 §10; 1987 c.649 §12; 1989 c.772 §17]

**92.122 Acknowledgment by Water Resources Department of receipt of copy of plat.** Within 10 days after receiving a copy of an approved plat of a subdivision or partition submitted as required under ORS 92.120 (5), the Water Resources Department shall send to the person submitting the subdivision

or partition plat an acknowledgment confirming receipt of the subdivision or partition plat. [1987 c.649 §13; 1989 c.772 §18]

Note: 92.122 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 92 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**92.130 Additional tracings transferred to county surveyor; replacing lost or destroyed records.** Any additional tracings of subdivision or partition plats as mentioned in ORS 92.120 other than the one copy filed with the county surveyor shall be transferred to the county surveyor who then shall keep them well bound and safeguarded as required by law. If the original subdivision or partition plat or copy thereof is lost, destroyed, mutilated or missing from the county records, the county surveyor shall make a copy thereof, and file it in the proper office of record. Each such copy made by the county surveyor pursuant to this section shall bear a certificate of the surveyor that it was made in compliance with this section, and that it is a true copy of the original record. [Amended by 1955 c.756 §17; 1989 c.772 §19]

**92.140 Indexing of plat records.** The records entitled "Record of Town Plats" shall be provided in the front part with indices, in which shall be entered in alphabetical order, all subdivision plats recorded therein. The dedications to such subdivision plats shall also be indexed in the indices of Records of Deeds for the county. When the subdivision plats are so filed, bound and indexed they shall be the legal record of all subdivision plats. [Amended by 1955 c.756 §18; 1989 c.772 §20]

**92.150 Construction of donations marked on plat.** Every donation or grant to the public, including streets and alleys, or to any individual, religious society, corporation or body politic, marked or noted as such on the subdivision or partition plat wherein the donation or grant was made, shall be considered a general warranty to the donee or grantee for the use of the donee or grantee for the purposes intended by the donor or grantor. [Amended by 1955 c.756 §19; 1989 c.772 §21]

**92.160 Notice to Real Estate Commissioner of receipt of subdivision plat.** If the comprehensive plan and land use regulations of a city or county have not been acknowledged under ORS 197.251, the city engineer, city surveyor or county surveyor shall immediately notify the Real Estate Commissioner in writing of receipt for approval of any subdivision plat pursuant to ORS 92.100 (1). The notification shall include a general description of the land with the number of lots and total acreage covered by the subdivision plat and the names of the persons

submitting the subdivision plat for approval. [1965 c.584 §2; 1983 c.570 §6a; 1989 c.772 §22]

**92.170 Amending recorded plat; affidavit of correction.** (1) Any plat of a subdivision or partition filed and recorded under the provisions of ORS 92.018 to 92.190 may be amended by an affidavit of correction:

(a) To show any courses or distances omitted from the subdivision or partition plat;

(b) To correct an error in any courses or distances shown on the subdivision or partition plat;

(c) To correct an error in the description of the real property shown on the subdivision or partition plat; or

(d) To correct any other errors or omissions where the error or omission is ascertainable from the data shown on the final subdivision or partition plat as recorded.

(2) Nothing in this section shall be construed to permit changes in courses or distances for the purpose of redesigning lot or parcel configurations.

(3) The affidavit of correction shall be prepared by the registered professional land surveyor who filed the plat of the subdivision or partition. In the event of the death, disability or retirement from practice of the surveyor who filed the subdivision or partition plat, the county surveyor may prepare the affidavit of correction. The affidavit shall set forth in detail the corrections made and show the names of the present fee owners of the property materially affected by the correction. The seal and signature of the registered professional land surveyor making the correction shall be affixed to the affidavit of correction.

(4) The county surveyor shall certify that the affidavit of correction has been examined and that the changes shown on the certificate are permitted under this section.

(5) The surveyor who prepared the affidavit of correction shall cause the affidavit to be recorded in the office of the county recorder where the subdivision or partition plat is recorded. The county clerk shall promptly provide a recorded copy of the affidavit to the county surveyor. The county surveyor shall note the correction and the recorder's filing information, with permanent red ink, upon the original subdivision or partition plat and upon any true and exact copies filed in accordance with ORS 92.120 (3). The corrections and filing information shall be marked in such a manner so as not to obliterate any portion of the subdivision or partition plats.

(6) For recording the affidavit in the county deed records, the county clerk shall collect a fee set by the county governing body. The county clerk shall also collect a fee set by the county governing body to be paid to the county surveyor for services provided under this section. [1983 c.309 §2; 1989 c.772 §23]

**92.175 Methods by which certain land may be provided for public purposes.** (1) Land for property dedicated for public purposes may be provided to the city or county having jurisdiction over the land by any of the following methods:

(a) By dedication on the land subdivision plat, condominium plat or replat; or

(b) By a separate dedication or donation document on the form provided by the city or county having jurisdiction over the area of land to be dedicated.

(2) Notwithstanding subsection (1) of this section, easements in partition plats may be granted for public utility purposes without an acceptance from the governing body having jurisdiction. [1989 c.772 §3]

**Note:** 92.175 was added to and made a part of ORS 92.010 to 92.190 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.

## REPLATTING

**92.180 Authority to review replats.** (1) Each agency or body authorized to approve subdivision plats under ORS 92.040 shall have the same review and approval authority over any proposed replat of a recorded plat.

(2) Nothing in this section regarding replatting shall be construed to allow subdividing of land without complying with all the applicable provisions of this chapter. [1985 c.369 §2]

**92.185 Reconfiguration of lots and public easements; vacation; notice; utility easements.** The act of replatting shall allow the reconfiguration of lots and public easements within a recorded plat. Upon approval by the reviewing agency or body as defined in ORS 92.180, replats will act to vacate the platted lots and easements within the replat area with the following conditions:

(1) A replat, as defined in ORS 92.010 (10) shall apply only to a recorded plat.

(2) Notice shall be provided as described in ORS 92.225 (4) when the replat is replatting all of an undeveloped subdivision as defined in ORS 92.225.

(3) Notice, consistent with the governing body of a city or county approval of a tentative plan of a subdivision plat, shall be provided by the governing body to the owners

of property adjacent to the exterior boundaries of the tentative subdivision replat.

(4) When a utility easement is proposed to be realigned, reduced in width or omitted by a tentative replat approval, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of property contiguous to the tentative plat.

(5) A replat shall comply with all subdivision provisions of this chapter and all applicable ordinances and regulations adopted under this chapter. [1985 c.369 §3]

**92.190 Effect of replat; operation of other statutes; use of alternate procedures.** (1) The replat of a portion of a recorded subdivision plat shall not act to vacate any recorded covenants or restrictions.

(2) Nothing in ORS 92.180 to 92.190 is intended to prevent the operation of vacation actions by statutes in ORS chapter 271 or 368.

(3) The governing body of a city or county may use procedures other than replatting procedures in ORS 92.180 and 92.185 to adjust lot lines as described in ORS 92.010 (7), as long as those procedures include the recording or other central filing of the final lot line adjustment. [1985 c.369 §4; 1989 c.772 §24]

## UNDEVELOPED SUBDIVISIONS

**92.205 Policy.** (1) The Legislative Assembly finds that many subdivisions for which plats have been approved and recorded have not been developed and that many such subdivisions were approved prior to the adoption of a comprehensive plan, zoning regulations and ordinances and modern subdivision control standards by the jurisdiction within which the lands described in the subdivision plats are situated.

(2) The Legislative Assembly finds, therefore, that it is necessary for the protection of the public health, safety and welfare to provide for the review of undeveloped subdivisions for the purpose of modifying such subdivisions, if necessary, to comply with the current comprehensive plan, zoning ordinances and regulations and modern subdivision control standards, or, if such modification is not feasible, of vacating the nonconforming, undeveloped subdivisions and to vacate any lands dedicated for public use that are described in the plat of each such vacated subdivision. [1973 c.569 §1]

92.210 [1963 c.624 §3; 1965 c.584 §3; repealed by 1973 c.421 §52]

**92.215 Review authorized; manner.** (1) Each agency or body authorized to approve subdivision plats under ORS 92.040 may:

(a) Review each subdivision approved on or after October 5, 1973, after the expiration of 10 years after the date of such approval.

(b) Review each subdivision plat approved more than 10 years prior to October 5, 1973.

(2) Each review conducted pursuant to subsection (1) of this section shall be conducted in the manner and subject to the conditions prescribed in ORS 92.225. [1973 c.569 §2]

92.220 [1963 c.624 §§1, 2, 25; repealed by 1973 c.421 §52]

**92.225 Determining whether subdivision subject to review and need for revision or vacation; determining need for revision or vacation of undeveloped subdivision; hearings; notice to landowners.** (1) The agency or body required to conduct the review under ORS 92.215 shall investigate the status of the lands included within a subdivision to determine whether the subdivision is undeveloped.

(2) For the purposes of this section, the lands described in the plat of any subdivision under review shall be considered to be developed if any of the following conditions are found by the agency or body conducting the review to exist on such lands:

(a) Roadways providing access into and travel within the subdivision have been or are being constructed to meet the specifications prescribed therefor by the agency or body that approved the plat of the subdivision;

(b) Facilities for the supply of domestic or industrial water to lots created by the subdivision have been or are being constructed;

(c) Sanitary sewerage disposal facilities have been or are being constructed for lots created by the subdivision, or septic tanks have been or are being installed on the land or permits have been issued for their installation on the land;

(d) Buildings have been or are being constructed upon the land or permits have been issued for the construction of buildings upon the land; and

(e) One or more lots described in the plat of the subdivision have been sold or otherwise transferred prior to the date of the initiation of such review.

(3) If the agency or body determines that a subdivision is undeveloped after its investigation of the subdivision under subsection (1) of this section, it shall also determine:

(a) If the undeveloped subdivision complies with the comprehensive plan, zoning



# **ROAD STANDARDS**

**Columbia County, Oregon**