

generate glare or other distracting conditions.

- (B) Retention of existing plant materials and natural features so as to retain as much as possible the natural character of the area.
- (C) Establishment of introduced landscape materials to assure compatibility with existing vegetation, reduce glare, direct automobile and pedestrian circulation and enhance the overall appearance of the development while not interfering with the views of oncoming traffic at access points or views of mountains, forests and other open and scenic areas as seen from the proposed site.
- (D) Nothing in this section shall be construed to prevent the use of accepted agricultural practices, crops or equipment or restrict the construction of innovative residences, i.e. "dome" houses, except where their design or siting unduly diminishes the esthetic qualities of the area.

To us this means you ignore the definition of Subdivision being 4 or more.

Section 4.190. WILDLIFE AREA COMBINING ZONE. WA.
In any zone which is a Wildlife Area Combining zone (WA), the requirements and standards of this section shall apply in addition to those specified in this ordinance for such underlying zone. If a conflict in regulations or standards occurs the provisions of this section shall govern except that the larger minimum lot size shall always apply.

- (1) Purpose: The purpose of the Wildlife Area Combining Zone is to conserve important wildlife areas in Deschutes County; to protect an important environmental, social, and economic element of the area; and to permit development compatible with the protection of the wildlife resource.
- (2) Application of Provisions. The provisions of this section shall apply to all areas identified in the comprehensive plan as a winter deer range, antelope range or riparian area.
- (3) Uses Permitted Outright. In a zone with which the WA zone is combined the uses permitted outright shall be those permitted outright by the underlying zone with which the WA zone is combined.
- (4) Uses Permitted Conditionally. In a zone with which the WA zone is combined, the conditional uses permitted shall be those permitted conditionally by the underlying zone with which the WA zone is combined.
- (5) Use Limitation. All residential commercial or industrial developments within the WA zone shall be a cluster development (residential only), a planned development, or a destination resort and shall conform to the provisions of sections 8.050(16), (17) or (19) of this ordinance.

Must be cluster development

- (B) Elementary and secondary schools shall provide a basic site area consistent with state standards for the predicted ultimate enrollment.
- (C) Secondary schools shall provide a basic site area of 10 acres plus one additional acre for each 100 pupils of predicted ultimate enrollment.

(16) Cluster Development (Single-Family Residential Uses Only).

- (A) Such uses may be authorized as a conditional use only after consideration of the following factors:
 - (a) Need for residential uses in the immediate area of the proposed development.
 - (b) Environmental, social and economic impacts likely to result from the development, including impacts on public facilities such as schools and roads.
 - (c) Effect of the development on the rural character of the area.
 - (d) Effect of the development on agricultural, forestry wildlife or other natural resource uses in the area.

The Conditional
Use CU-80-22
was illegally
created because
CDD did not
follow PL-15
Article 8, Section
8.050 (16)

- (B) The conditional use shall not be granted unless the following findings are made:
 - (a) No more than 35 percent of the land will be utilized for the development and 65 percent will be kept in open space uses.
 - (b) All subdivision requirements contained in County Ordinance PL-14 shall be met.
 - (c) The total number of units does not exceed the overall density established by the minimum lot size of the zone in which the development is proposed.
 - (d) The rural character of the area shall not be adversely affected.

Violations of
Law can be
found at (B)(b)
and at (C)(a)
and at (C)(c)

- (C) All applications shall be accompanied by a plan with the following information:
 - (a) A plat map meeting all the subdivision requirements of the County Ordinance PL-14.
 - (b) The area to be preserved for open space clearly designated on the plan and adequate deed restrictions to maintain the land in open space provided.
 - (c) A written agreement establishing an acceptable homeowners association assuring the maintenance of common property in the development.
- (D) Dimensional Standards:
 - (a) Setbacks and height limitations shall be as prescribed in the zone in which the development is proposed unless adequate justification for reduction

DESCHUTES COUNTY
SUBDIVISION/PARTITION ORDINANCE
OF 1979
ORDINANCE NO. PL-14

ENACTED ON THE 1st DAY OF November 1979

DESCHUTES COUNTY ORDINANCE NO. PL-14

TABLE OF CONTENTS

<u>Article/Section</u>		<u>Page</u>
1.	INTRODUCTORY PROVISIONS	1
1.010	Purpose	1
1.020	Interpretation	1
1.030	Repealer	2
1.040	Repeal of Ordinances as Affecting Existing Liabilities	2
1.050	Severability	2
1.060	Construction and Terminology	2
1.070	Definitions	3
2.	GENERAL REQUIREMENTS AND SUBDIVISION REVIEW COMMITTEE	13
2.010	Scope of Regulation	13
2.020	Minimum Standards	13
2.030	Subdivision Review Committee	13
2.050	Subdivision Committee Review Factors	14
2.060	Executive Committee	15
3.	APPLICATION PROCEDURE	16
3.010	Application Submission	16
3.020	Required Findings for Approval	16
3.030	Outline Development Plan	17
3.040	Tentative Plan Required	19
3.050	Scale of Tentative Plan	19
3.060	Informational Requirements	19
3.080	Supplemental Information Required	21
3.085	Master Development Plan	23
3.100	Specific Approval Requirements	24
3.110	Resubmission of Denied Tentative Plans	26
4.	FINAL PLAT	27
4.010	Submission of the Final Plat	27
4.020	Form of Final Plat	27
4.030	Requirements of Survey and Plat of Subdivision	28
4.040	Monumentation Requirements	28
4.050	Information on Plat	29
4.060	Supplemental Information with Plat	32
4.070 .	Technical Review of Plat	33
4.080	Conditions of Plat Approval	33

<u>Article/Section</u>		<u>Page</u>
4.100	Final Plat Approval	36
4.110	Recording of Plat	36
4.120	Filing Plat with State	37
5.	LAND PARTITIONING	
5.010	Applicability of Regulations	38
5.020	Filing Procedures and Requirements	38
5.030	Requirements for Approval	39
5.040	Additional Factors to be Considered	40
5.050	Improvement Requirements	40
5.060	Final Map or Drawing for Partitioning	41
5.070	Application Review	42
5.080	Appeal	42
5.090	Special Partitioning Regulations	42
5.100	Partitioning for Financial Purposes	43
6.	DEDICATION OF STREETS NOT PART OF A SUBDIVISION	45
6.010	Application	45
6.020	Minimum Design Standards	45
6.030	Procedure	45
7.	DESIGN STANDARDS	47
7.010	Compliance Required	47
7.020	Streets	47
7.030	Blocks	50
7.040	Building Sites	51
7.050	Grading of Building Sites	52
7.060	Special Setbacks	52
7.070	Large Building Sites	52
7.080	Land for Public Purposes	52
7.110	Solid Waste	54
7.120	Public Utilities	54
7.130	Fire Hazards	54
8.	IMPROVEMENTS	55
8.010	Improvement Procedures	55
8.030	Improvements in Subdivisions	55
8.040	Improvements in Partitions	57
8.060	Acceptance of Improvements	57
8.070	Building Permits	57
9.	IMPROVEMENTS GUARANTEE	
9.010	Agreement for Improvements	58
9.020	Bond	59

<u>Article/Section</u>		<u>Page</u>
10.	VARIANCES	59
10.010	Variance Application	59
10.020	Action of Hearings Officer	59
10.030	Hearings Officer Action on Variance	59
11.	ADMINISTRATION AND APPEALS	60
11.010	Basis of Disposition	60
11.020	Appeals	60
11.070	Penalties	60
11.080	Violation Declared a Nuisance	60
11.090	Enforcement	60
11.110	Compliance with Oregon Real Estate Regulations	60
11.120	Civil Relief	60
11.130	Administration Ordinance	61
11.140	Severability	61
11.150	Amendment, Repeal	61
11.160	Corrections	61
11.170	Emergency Clause	61
APPENDIX "A"	MINIMUM STANDARDS FOR ROADS WITHIN A SUBDIVISION OR NOT WITHIN A SUBDIVISION REQUIRED FOR CONSIDERATION BY DESCHUTES COUNTY FOR ACCEPTANCE AS "COUNTY ROADS"	62

IN THE BOARD OF COUNTY COMMISSIONERS OF THE STATE
OF OREGON FOR DESCHUTES COUNTY

AN ORDINANCE PROVIDING]	
SUBDIVISION AND]	
PARTITIONING]	
STANDARDS AND PROCEDURES]	
FOR DESCHUTES COUNTY, OREGON]	COUNTY
AND REPEALING COUNTY ORDINANCES]		ORDINANCE NO. PL-14
NO. PL-2 and PL-7.]	

Pursuant to the authority vested in the Board of County Commissioners by Oregon Revised Statutes, Chapters 92, 197 and 215, the following ordinance is enacted.

ARTICLE 1. INTRODUCTORY PROVISIONS

Section 1.010. PURPOSE. In accordance with the provisions of O.R.S. Chapters 92, 197 and 215, this ordinance sets forth the minimum standards governing the approval of subdivisions and partitions within Deschutes County as necessary to carry out the County's comprehensive plan and to promote the public health, safety and general welfare. The purpose of these provisions and regulations is to:

- (1) Ensure that subdivision and partition development will provide liveable neighborhoods with needed amenities and facilities.
- (2) Encourage development in harmony with the natural environment and within resource carrying capacities.
- (3) Improve land records and boundary monumentation.

Section 1.020. INTERPRETATION. The provisions of this ordinance shall be construed to effect the purposes set forth in Section 1.010 of this ordinance. These provisions are declared to be the minimum requirements fulfilling such objectives, and the County may impose additional conditions necessary to promote the health, safety and general welfare, and to carry out the comprehensive plan.

Where conditions set forth herein are less restrictive than comparative conditions imposed by any other provisions of any other local ordinance, resolution or regulation, or by provision of state statute or regulation, the more restrictive shall govern.

Section 1.030. REPEALER. The following ordinances together with all amendments thereto are hereby repealed: Deschutes County Subdivision Ordinance No PL-2 and PL-7.

Section 1.040. REPEAL OF ORDINANCES AS AFFECTING EXISTING LIABILITIES. The repeal, express or implied, of any ordinance by this ordinance shall not release or extinguish any duty, condition, penalty, forfeiture, or liability incurred under such ordinance, unless a provision of this ordinance shall so expressly provide, and such ordinance repealed shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such duty, condition, penalty, forfeiture, or liability, and for the purpose of authorizing the prosecution, conviction and punishment of the person or persons who violated the repealed ordinance.

Section 1.050. SEVERABILITY. The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is adjudged to be invalid by a court of competent jurisdiction that decision shall not affect the validity of the remaining portions of this ordinance.

Section 1.060. CONSTRUCTION AND TERMINOLOGY.

- (1) Construction. Words used in the present tense include the future tense; words used in the singular include the plural, and words used in the plural include the singular; the word "shall " is mandatory; the word "may" is permissive; the masculine shall include the feminine and neuter.
- (2) Terminology. The word "County" shall mean the County of Deschutes, State of Oregon. The words "Board of County Commissioners" and "Board" shall mean the Board of County Commissioners of Deschutes County. The words "Planning Commission" and "Commission" shall mean the County Planning Commission of the County of Deschutes duly appointed by the Board of County Commissioners. The words "Planning Director", "County Engineer", "Assessor", "County Sanitarian", "Hearings Officer", "County Surveyor", "County Clerk", and "Tax Collector" shall mean the Planning Director, Engineer, Assessor, Sanitarian, Hearings Officer, Surveyor, County Clerk and Tax Collector of the County of Deschutes.

Section 1.070. DEFINITIONS. As used in this ordinance, the following word 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) Advertising. Publication or causing to be published of any material relating to disposition of interests in a land development, which has been prepared for public distribution by any means of communication.
- (3) Affected Governmental Body. A city, county, state or federal agency or special district which either has a jurisdictional interest or is of such proximity to the land partition that a reasonable likelihood of annexation exists.
- (4) Affected Person. Any person adversely affected or aggrieved by a decision relating to the partitioning of land.
- (5) Agent. Any person who represents or acts for any other person in disposing of interests in a land development. Includes a real estate broker as defined in ORS 696.010(12) but does not include an attorney at law whose representation of another person consists solely of rendering legal services.
- (6) Alley. A narrow way primarily for vehicular service access to the back or side of properties abutting a street.
- (7) Block. An area of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways, or corporate boundary lines of a city.
- (8) Building. A structure which is designated and suitable for the habitation or shelter of human beings or animals or the shelter or storage of property or for the use and occupation for some purpose of trade or manufacture.
- (9) Building Line. A line on a plat indicating the limit beyond which buildings or structures may not be erected. If no line is shown on the plat, the building line shall be that set forth in the County Zoning Ordinance.
- (10) Community Water Supply System. A domestic water supply source or distribution system which serves more than three single residences or other users for the purpose of supplying water for household

uses, but is neither a municipal water supply system nor a public utility water supply system.

- (11) Comprehensive Plan. As adopted by the County pursuant to ORS Chapter 197, ORS 215.050 and 215.060, and in compliance with Statewide Planning Goals. A coordinated land use map and policy statement of the county that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water systems, transportation systems, educational systems, recreational facilities and natural resources and air and water quality management programs. "Comprehensive" means all-inclusive, both in terms of the geographic area covered by the plan and functional and natural activities and systems occurring in the area covered by the plan. The plan is an expression of public policy in the form of goals, objectives and policy statements, maps, standards and guidelines, and is the basis for this ordinance and other rules, regulations and ordinances which are intended to implement the policies expressed through the plan.
- (12) Construction Plans. The plans, profiles, cross-sections and drawings or reproductions thereof, approved by a registered professional engineer, which show the details of the work to be done on improvements.
- (13) Contiguous. That which touches or connects, including that which only connects or touches a common point; the touching together of two or more tracts of land which lie alongside one another or which touch or connect with one another for any length or distance whatsoever, no matter how finite.
- (14) Contiguous Land. Units of land under the same ownership which abut, irrespective of roadways, easements or rights-of-way.
- (15) County Engineer. The individual appointed or designated by the Board of County Commissioners to serve as Deschutes County Engineer.
- (16) Cross-Section. A profile of the ground surface perpendicular to the centerline of a street, stream or valley bottom.
- (17) Curb Lines. The line dividing the roadway from the planting strip of footway, meaning the inside (street side) of the curb.
- (18) Developer. Any person, corporation, partnership or other legal entity who creates or proposes to create a land development; includes any agent of a developer.

- (19) Disposition. Includes sale , lease for more than one year, option, assignment, award by lottery or as a prize, or any offer or solicitation of an offer to do any of the foregoing concerning a land development or any part of a land development.
- (20) Drainage Easement. An easement required for drainage ditches, or required along a natural stream or water course to preserve the channel, to provide for the flow of water therein, and to safeguard the public against flood damage or the accumulation of surface water.
- (21) Easement. A grant of the right to use a parcel of land for specific purposes, but in which ownership of the land is not transferred.
- (22) Executive Committee. See Subdivision Review Committee.
- (23) Final Drawing. The final plan for a minor partition.
- (24) Final Map. The final plan for a major partition.
- (25) Fire Break. A break in the ground cover fuels as specified by the fire protection agency involved.
- (26) Flood. An overflow of water onto lands not normally covered by water.
- (27) Flood Hazard Area. The relatively flat area or lowlands adjoining the channel of a river, stream, watercourse, land or reservoir.
- (28) Forest Purposes. The current employment of land primarily for the purpose of raising or harvesting timber products.
- (29) Frontage. All property fronting on one side of a street and measured along the street lines, between intersecting and intercepting streets or between a street and right of way, waterway, end of a dead-end or city boundary.
- (30) Improvements. Include, but are not limited to, streets, alleys, curbs, gutters, roadbed, road surface, storm drains and appurtenances, sidewalks, street lights, street signs, fire hydrants, sanitary sewers and appurtenances, public water supply and water distribution systems and other utilities.
- (31) Interest. Includes a lot or parcel, share, undivided interest or membership which includes the right to occupy the land overnight, and a lessee's interest in land for more than three years or less

than three years if the interest may be renewed under the terms of the lease for a total period more than three years. Interest does not include any interest in a condominium as defined in ORS 91.500(22) or any security interest under a land sales contract, trust deed or mortgage. Interest does not include divisions of land created by lien foreclosures or foreclosures of recorded contracts for the sale of real property.

(32) Land Development. The subdividing or partitioning of land for any purpose into parcels or the creation of units or parcels for the purpose of sale or lease for a term of one year or more. Includes intent to dispose of any land, whether contiguous or not, including any land divided, lots, parcels, units or interests offered as a part of a common promotional plan of advertising by a single developer or a group of developers acting in concert. If the land is contiguous or is known, designated or advertised as a common unit or by a common name the land shall be presumed, without regard to the number of lots covered by each individual offering, to be offered for disposition as part of common promotional plan.

(33) Lot. A unit of land created by a subdivision of land, intended as a unit for disposition, transfer of ownership or interest, or for development.

(A) Lot Area. The total horizontal area contained within the lot lines, such area shall be computed as gross area for lots larger than 2.5 acres and net area for lots 2.5 or smaller. The total horizontal net area within lot lines of a lot is that square footage of a lot that is free from roads, streets, rights-of-way or easements of access to other property, provided, however, that the Planning Director shall include in gross lot areas all streets, roads and easements of access to other property that would accrue to that lot if the road, street or easement were vacated, and shall treat the gross area of lots that have never been previously described of record as other than fractions of a section as if the section contained 640 acres, in cases where a lot is sought to be partitioned.

(B) Lot, Corner. A lot abutting two or more streets, other than alleys, at their intersection, provided the angle of intersection of abutting streets does not exceed 135 degrees.

(C) Lot Depth. The average horizontal distance between the front and rear lot lines.

- (D) Lot Line. The property line bounding a lot.
 - (E) Lot Line, Front. The lot line separating a lot from a street other than an alley. In the case of a corner lot, the longest lot line along a street other than an alley.
 - (F) Lot Line, Rear. The lot line opposite and most distant from the front lot line. In the case of an irregular, triangular, or other odd-shaped lot a line 10 feet in length within the lot, parallel to and at a maximum distance from the front lot line.
 - (G) Lot line, Side. Any lot line other than a front or rear lot line bounding on a lot.
 - (H) Lot, Through or Double Frontage. A lot frontage on two parallel or approximately parallel streets other than alleys.
 - (I) Lot Width. The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- (34) Map. A final diagram, drawing or other writing concerning a partition.
 - (35) Monument. A permanent and fixed survey marker conforming to the requirements established by state law and the regulations of Deschutes County.
 - (36) MUTCD. Manual of Uniform Traffic Control Devices, Federal Highway Administration.
 - (37) Municipal Water Supply System. A water supply source and distribution system owned and operated by a city or county or special district or other public corporation which has independent tax-levying powers to support the system and which supplies water to a total of 1,000 or more households.
 - (38) Negotiate. 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.
 - (39) Offer. Includes every inducement, solicitation or encouragement of a person to acquire a lot, unit, parcel or interest in land.

- (40) Owner. The owner of the title to real property or the authorized agent thereof having written notarized authorization recorded with the County Clerk, or the contract purchaser of real property or record as shown on the last available complete tax assessment roll or county clerk's records. Does not include an interest created for security purposes.
- (41) Parcel. A unit of land created by a partitioning of land.
- (42) Partition. The act of partitioning land or an area or tract of land partitioned.
- (A) Major Partition. A partition which includes the actual creation of a road or street.
- (B) Minor Partition. A partition which does not require the creation of a road or street.
- (43) Partition Land. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include divisions of land resulting from the creation of cemetery lots; partition land does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance. A lot line adjustment shall be defined as an alteration which does not create a tax lot additional to those existing in the subject area or tract of land at the beginning of the calendar year in which the adjustment is made. Partition land does not include divisions of land resulting from lien foreclosures or division of land resulting from foreclosure of recorded contracts for the sale of real property

Partition land does not include the sale of a lot in a recorded subdivision even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

- (44) Person. A natural person, firm, trust, partnership, association, social or fraternal organization, corporation, trust estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

- (45) Planned Development. The development of an area of land as a single entity for a number of dwelling units or a number of uses, according to a plan which does not necessarily correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space to the standard regulations otherwise required by this ordinance.
- (46) Plat. A final map, diagram, drawing replat or other writing containing all descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
- (47) Potable Water. Water which is sufficiently free from biological, chemical or radiological impurities so that users thereof will not be exposed to or threatened with exposure to disease or harmful physiological effects, and which has such other physical properties as to be reasonably palatable to humans for drinking purposes. Irrigation water shall not be considered potable water for purposes of this ordinance.
- (48) Preliminary Drawing. A drawing of a proposed minor partition.
- (49) Public Utilities Water System. A domestic water supply source and distribution system supplying water for household uses, owned and operated by a person subject to regulation by the Public Utility Commission of Oregon, and supplying water to a total of 500 or more households.
- (50) Public Water System. A system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves at least 25 individuals.
- (51) Reserve Strip. A strip of property contiguous to a public way which is offered to the County for street purposes, which offer is not accepted by the County until additional adjacent right-of-way is acquired by the County, and across which the access rights are abandoned until such time as the additional adjacent right-of-way is acquired by the County.
- (52) Right-of-way. The area within the boundary lines of a street, road or other easement.
- (53) Road or Street. A public or private way actually created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes.

- (53)
- (A) Alley. A narrow street through a block, primarily for vehicular service access to the back or side of properties abutting another street.
 - (B) Arterial. A restricted access street of substantial continuity which is primarily a traffic artery for inter-communication among large areas, and so designated by the County.
 - (C) Bicycle Route. A right-of-way for bicycle traffic.
 - (D) Collector. A street supplementary to the arterial street system used or intended to be used principally for the movement of traffic between arterials and local streets and roads within the county.
 - (E) Cul-de-sac. (dead end street) A short street having one end open to traffic and terminated by a vehicle turnaround.
 - (F) Half Street. A portion of the width of a street sufficient for a safe service temporarily (as approved by the County Engineer), usually along the edge of a subdivision, when the remaining portion of the street is likely to be provided in another subdivision.
 - (G) Frontage Road. A minor street parallel and adjacent to a major arterial providing access to abutting properties, but protected from and protecting, through traffic.
 - (H) Marginal Access Road. A frontage road.
 - (I) Local Street. A street intended primarily for access to abutting properties.
 - (J) Stubbed Street. A street having only one outlet for vehicular traffic and which is intended to be extended or continued to serve future subdivisions or developments on adjacent lands.
- (54) Roadway. That portion of a street or road right-of-way developed for vehicular traffic.
- (55) Sidewalk. A pedestrian walkway with permanent surfacing.
- (56) Sale or Lease. Every disposition or transfer of land in a subdivision or an interest or estate therein, by a subdivider or developer or their agents. Includes the offering of land as a prize or gift when a monetary charge or consideration for whatever purpose is required by the subdivider, developer or their

agents.

- (57) Subdivided Land and Subdivision. Improved or unimproved area or tract of land divided, or created into interests or sold under an agreement to be subsequently divided or created into interests, for the purpose of sale or lease, whether immediate or future, into 4 or more lots within a calendar year, when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. Subdivided land does not include the sale of a lot in a recorded subdivision or an approved partition even though the seller of the lot may have owned other contiguous lots or property prior to the sale; said lot, however, must be sold as platted and recorded.
- (58) Subdivider. Any person who causes land to be subdivided into a subdivision for himself or for others, or who undertakes to develop a subdivision, but does not include a public agency or officer authorized by law to make subdivisions.
- (59) Subdivision Review Committee. A committee as set forth in subsection 2.030 to review subdivision and other development proposals.
 - (A) Executive Committee. A subunit of the Subdivision Review Committee, established in subsection 2.060.
- (60) Tentative Map. A map setting forth the proposed plan or a major partitioning in conformance with the provisions of this ordinance and subject to review and modification.
- (61) Use. The purpose for which land or a structure is designated, arranged or intended, or for which it is occupied or maintained.
- (62) Utilities. Include electric, telephone, natural gas and other services providing for energy or communication needs.
- (63) Variance. An authorization for the construction or maintenance of a building or structure, or for the establishment or maintenance of a use of land, which is prohibited by a zoning ordinance.
 - (A) Area Variance. A variance which does not concern a prohibited use. Usually granted to construct, alter or use a structure for a permitted use in a manner other than that prescribed by the zoning or other applicable ordinances.

(B) Use Variance. A variance which permits a use of land other than that prescribed by the zoning or other applicable ordinances.

(64) Water Supply. A source of water whether publicly or privately owned which serves two or more single residences or other uses for the purpose of supplying potable water for drinking, culinary, or household uses. Irrigation water shall not be considered potable water for purposes of this ordinance.

ARTICLE 2.

GENERAL REQUIREMENTS AND SUBDIVISION REVIEW

COMMITTEE

Section 2.010. SCOPE OF REGULATION. (1) Before a plat of any subdivision or the map of any partition may be made and recorded, the person proposing the subdivision or the partition, or his authorized agent or representative, shall make an application in writing to the County Planning Department for approval of the proposed subdivision or partition in accordance with the requirements and procedures established by this ordinance.

(2) No person shall undertake the acts prohibited by ORS 92.025 within the unincorporated area of Deschutes County without making application as required in subsection (1) of this section and receiving approval as provided elsewhere herein.

(3) No person shall undertake the acts prohibited by ORS 92.025 without complying with any and all conditions lawfully imposed upon the grant of an application.

Section 2.020. MINIMUM STANDARDS. No proposed subdivision shall be approved unless it complies with the comprehensive plan for the county, the applicable zoning and ORS Chapter 92.

Section 2.030. SUBDIVISION REVIEW COMMITTEE. There is hereby established a Subdivision Review Committee to review all tentative subdivision plans, final plats and other proposals as indicated elsewhere in this ordinance, and make recommendations to the Hearings Officer. The committee shall consist of the following members:

- (1) County Planning Director, who will be chairman.
- (2) County Engineer
- (3) County Sheriff
- (4) Fire Chief (if subdivision is within a fire district).
- (5) County Sanitarian
- (6) State Forestry representative for fire protection.
- (7) Other ex-officio members of the committee may be designated by the County Planning Director and may include, among others, as follows:

- (A) Public utility representative(s)
- (B) Irrigation district representative(s)
- (C) School district representative
- (D) Department of Environmental Quality representative(s)
- (E) Department of Transportation representative(s)

- (8) Each member authorized by subsections (1) through (7) of this section may designate a substitute representative to serve in case of the member's absence. Such designation shall be in writing and filed with the chairman. It will be the responsibility of the member to ensure the designee's informed participation at each meeting in which the designee is substituting for the member.

Section 2.050. SUBDIVISION COMMITTEE REVIEW FACTORS.

(1) In review of proposed subdivisions, the committee shall consider the following factors:

- (A) Preliminary plat requirements.
- (B) Conformance to zoning and comprehensive plan.
- (C) Quantity and quality of existing or proposed water supply and adequacy of the existing or proposed sewage disposal system to support the projected population. In the event that subsurface sewage disposal is proposed for any or all of the parcels of the development, the capability of the soil for the proper long-term support of such a system or systems shall be considered.
- (D) Adequacy of public services, existing or committed and funded, in the area of the proposed development, such as schools, police and fire protection, health facilities, highway and arterial road networks and other transportation facilities parks and other recreational facilities, to serve the increase in population expected to be created by the development.
- (E) Effect of the development in relation to industrial plants, livestock feedlots, solid waste disposal sites (existing and proposed), mining and quarrying operations and other possible conflicting land uses, particularly agricultural and forestry use.
- (F) Possible adverse effects on the development by natural hazards, such as floods, slides or faults, etc.
- (G) Possible adverse effects of the development on adjacent or area agricultural, grazing, forest or industrial lands and operations.
- (H) Design and development for retention of the maximum feasible amount of vegetation and other natural amenities.
- (I) Possible environmental damage to the area or possible effects on fish, wildlife or their habitat.
- (J) Possible conflicts with easements acquired by the public for access through or use of property within or adjacent to the proposed development.
- (K) Unusual conditions of the property involved such as high water table, slope, bedrock, or other topographic or geologic conditions which might limit the capability to build on the land when using ordinary and reasonable construction methods.

- (L) Marketable title or other interest contracted for.
- (M) Adequate financial arrangements for onsite and offsite improvements proposed or required.
- (N) Evidence that each and every parcel can be used for the purpose for which it is intended and is to be offered.
- (O) Agreement or by-laws to provide for management, construction, maintenance, or other services pertaining to common facilities or elements in the development.
- (P) Protective covenants or deed restrictions.

(2) The committee is not empowered to agree to conditions; therefore, recommendations made by the committee do not bind the county but are only intended to aid the applicant to determine what requirements will probably be necessary for satisfaction of ORS Chapters 92 and 215, the comprehensive plan and this ordinance. Any conditions not addressed by the committee shall not be considered to be met and shall not be precluded from future consideration if determined to be necessary to comply with ORS Chapters 92.197 and 215, the comprehensive plan or this ordinance.

Section 2.060. EXECUTIVE COMMITTEE.

- (1) (A) There is hereby established an Executive Committee which will serve as a sub-unit of the Subdivision Review Committee. The Executive Committee shall consist of:
 - (1) County Planning Director
 - (2) County Engineer
 - (3) County Sanitarian
 - (B) Each of the above members may designate a substitute in accordance with the conditions of Subsection 2.030 (8).
- (2) The Executive Committee shall review outline development plans as provided for by section 3.030, re-submissions of denied tentative plans as provided for in section 3.110, final plats, as provided for in subsection 4.080 (1) and other proposals as indicated elsewhere in this ordinance.

ARTICLE 3.

APPLICATION PROCEDURE

Section 3.010. APPLICATION SUBMISSION.

(1) Any person proposing a subdivision, or his authorized agent or representative, shall include with an application for a subdivision either an outline development plan as described in section 3.030 or a tentative plan as set forth in sections 3.040 through 3.080 for the proposed subdivision, together with improvement plans and other supplementary material as may be required. A master development plan may also be required in accordance with subsection 3.085. The applicant must submit 20 copies of any plan required together with all required accompanying material to the Planning Department.

(2) An outline development plan or a tentative plan for a subdivision on a form provided by the Planning Department together with the appropriate filing fee.

(3) The time for filing shall be construed to be the time when the outline development plan or tentative plan is received by the Planning Department in completed form, together with the appropriate filing fee, required supplemental material and subdivision application form.

Section 3.020. REQUIRED FINDINGS FOR APPROVAL. The Hearings Officer shall not approve an outline development plan or a tentative plan for a proposed subdivision unless the Hearings Officer finds, in addition to other requirements and standards set forth in this ordinance, that the subdivision as proposed or modified will satisfy the intent and requirements of this ordinance and will be in compliance with the comprehensive plan. Such findings shall include the following:

- (1) The subdivision contributes to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, special terrain features, agricultural and forest lands, and other natural resources.
- (2) The subdivision will be compatible with the uses surrounding the project site, and will not create an excessive demand on public facilities and services required to serve the development.

- (3) Financing will be available to the applicant sufficient to assure completion of the subdivision as proposed or required. Such financing arrangement may be contingent upon tentative plan approval. A performance bond may be required of the applicant by the Hearings Officer if he determines such bond is necessary to assure proper completion. The applicant may substitute an adequate performance bond for other evidence of financial sufficiency required by this subsection.
- (4) That there will be no undue adverse impacts on neighboring properties, natural resource quality, area livability, and public services and facilities.

Section 3.025. ADDITIONAL FINDINGS FOR APPROVAL. (1-5)

- (1) Streets, Alleys, and Adjacent Areas. The Hearings Officer may require the all-weather surfacing or paving of any or all streets, alleys and parking areas before accepting or approving a tentative plan.
- (2) Sewers and Sewage. The Hearings Officer may require the installation of sewers or adequate sewage disposal facilities as shown by the required plans and specifications, prepared by a certified licensed engineer and approved by the County Sanitarian or Department of Environmental Quality before accepting or approving a tentative plan.
- (3) Water Lines and Supply. The Hearings Officer may require the installation of waterlines or provision of adequate water supply to serve each lot as shown by the required plans and specifications prepared by a qualified licensed engineer and approved by the County Sanitarian before accepting or approving a tentative plan.
- (4) Parks, Playgrounds and Recreational Areas. Parks, playgrounds and recreational areas adequate to serve the subdivision may be required in tentative plan submitted in locations and sizes indicated by the comprehensive plan for the area in which the subdivision is located. If such facilities are deemed necessary, parks, playgrounds or other recreational areas or facilities shall be provided or guaranteed by the applicant prior to approval of the tentative plan.
- (5) Fire Hazard Restrictions. The Hearings Officer may also require that necessary restrictions be placed on record at the time of filing of the plat or be contained in each and every deed of conveyance of the lots within such subdivision.

Section 3.030. OUTLINE DEVELOPMENT PLAN. If an outline development plan is prepared and submitted with the application for a subdivision, it shall include both maps and written statements as set forth in this section. The information shall discuss the area surrounding the proposed subdivision in sufficient detail to demonstrate the relationship of the subdivision to adjoining land uses, both existing and allowable under applicable zoning and comprehensive plan classifications.

- (1) The maps which are part of the outline development plan may be in general schematic form, but shall be to scale, and shall contain the following information:
 - (A) The existing topographic character of the land.
 - (B) Existing and proposed uses and the approximate location of buildings and other structures on the project site and adjoining lands.
 - (C) The approximate density of the proposed subdivision.
 - (D) The approximate location of street and roads within and adjacent to the subdivision.
 - (E) Public uses including schools, parks, playgrounds and other public open spaces or facilities.
 - (F) Common open spaces and facilities and a description of the proposed use of these spaces and facilities.
 - (G) Landscaping, irrigation and drainage plans.

- (2) Written statements which are part of the outline development plan shall contain the following information:
- (A) An explanation of the character of the subdivision and the manner in which it has been planned and will be designed to be in compliance with the comprehensive plan, applicable zoning and this ordinance.
 - (B) A statement and description of all proposed onsite and offsite improvements proposed.
 - (C) A statement of the proposed financing for completion of the subdivision as proposed.
 - (D) A statement of the present ownership of all land included within the subdivision.
 - (E) A general schedule of development and improvements.
 - (F) A statement setting forth expected types of housing and other uses to be accommodated, traffic generation, population and sectors thereof to be served, and any other information relative to demands on public services and facilities and public needs.
 - (G) A statement relative to compatibility with adjoining and area land uses, present and future, the comprehensive plan and applicable zoning ordinance.
- (3) (A) A review of an outline development plan will be conducted by the Executive Committee and is intended only as a preliminary examination of the proposal for comprehensive plan and zoning compliance, offered as a service to the applicant. Approval by the Executive Committee shall not constitute approval by the Subdivision Review Committee.
- (B) The Executive Committee shall complete its recommendation concerning the outline development plan within 10 days following receipt of the plan by the Planning Department, and shall notify the applicant of its decision in writing. The notification shall be accompanied by a report of the reasons for the decision, including facts and conclusions utilized in the committee's consideration of the plan for conformance with comprehensive plan and zoning provisions.

- (C) Copies of the committee decision and accompanying materials shall be submitted to each member of the Subdivision Review Committee.
- (D) Upon receipt of notification by the Executive Committee the applicant may resubmit a revised outline development plan, submit a tentative plan pursuant to section 3.010 or withdraw the application.

Section 3.040. TENTATIVE PLAN REQUIRED. Following submittal and approval of an outline development plan and subdivision application, or as an initial subdivision application, any person proposing subdivision in accordance with Section 3.010 of this article, the tentative plan for a subdivision shall be prepared and submitted in compliance with the provisions of sections 3.050 through 3.080 of this article.

Section 3.050. SCALE OF TENTATIVE PLAN. The tentative plan of a proposed subdivision shall be drawn on a sheet 18 by 24 inches or a multiple thereof at a scale of one (1) inch per 50 feet for subdivisions up to 10 acres in size, one (1) per 200 feet for subdivisions up to 100 acres in size, and for subdivisions of more than 100 acres in size, a scale not greater than one (1) inch per 400 feet.

Section 3.060. INFORMATIONAL REQUIREMENTS. The following information shall be shown on the tentative plan or provided in accompanying materials. No tentative plan submittal shall be considered complete unless all such information is provided.

(1) General Information Required

- (A) Proposed name of the subdivision.
- (B) Names, addresses and phone numbers of the owner of record, authorized agents or representatives, engineer or surveyor, and any assumed business names filed or to be filed with the Corporation Commissioner by the applicant which will be used in connection with the subdivision.
- (C) Date of preparation, north point, scale and gross area of the proposed subdivision.
- (D) Appropriate identification of the drawing as a tentative plan for a subdivision.

- (E) Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.
- (F) Certified copy of the recorded instrument under which the applicant claims an ownership interest, or copy of a land sales contract which binds the applicant in the event of tentative approval.
- (2) Information Concerning Existing Conditions.
 - (A) Location, names and widths of existing improved and unimproved streets and roads within and adjacent to the proposed subdivision.
 - (B) Location of any existing features such as section lines, section corners, city and special district boundary lines, and survey monuments.
 - (C) Location of existing structures, irrigation canals and ditches, pipelines, waterways, railroads and any natural features such as rock outcroppings, marshes, wooded areas and natural hazards.
 - (D) Location and direction of water courses, and the location of areas subject to flooding and high water tables.
 - (E) Location, width and use or purpose of any existing easement or right-of-way within and adjacent to the proposed subdivision.
 - (F) Existing sewer lines, water mains, culverts, and other underground and overhead utilities within and adjacent to the proposed subdivision together with pipe sizes, grades and locations.
 - (G) Contour lines related to some established bench mark or other engineering-acceptable datum and having minimum intervals of two feet for slopes of less than five percent, five feet for slopes of five to fifteen percent, ten feet for slopes of fifteen to twenty percent, and twenty feet for slopes greater than twenty percent.
 - (H) Zoning classification of lands within and adjacent to the proposed subdivision.
 - (I) Names and addresses of all adjoining property owners.

(3) Information Concerning Proposed Subdivision.

- (A) Location names, width, typical improvements cross-sections, bridges, culverts, approximate grades, curve radii and centerline lengths and reserve strips of all proposed streets, and the relationship to all existing and projected streets.
- (B) Location, width and purpose of all proposed easements or rights-of-way and relationship to all existing easements and rights-of-way.
- (C) Location of at least one temporary bench mark within the proposed subdivision boundary.
- (D) Location, approximate area and dimensions of each lot, and proposed lot and block numbers.
- (E) Location, approximate area and dimensions of any lot or area proposed for public use, the use proposed, and plans for improvements or development thereof.
- (F) Proposed use, location, approximate area and dimensions of any lot intended for non-residential use.
- (G) An outline of the area proposed for partial recording if contemplated or proposed.
- (H) Source, method, and preliminary plans for domestic and other water supplies, sewage disposal, solid waste disposal, and all utilities.
- (I) Description and location of any proposed community facility.
- (J) Storm water and other drainage facility plans.

Section 3.080. SUPPLEMENTAL INFORMATION REQUIRED. The following information shall be submitted with the tentative plan. If such information cannot practicably be shown on the tentative plan it shall be submitted in separate documents accompanying the plan at the time of filing.

- (1) Proposed deed restrictions including access restrictions or protective covenants, if such are proposed to be utilized for the proposed subdivision.

- (2) Two copies of a letter from a water purveyor providing a water supply system serving potable domestic water needs or a letter from a licensed well driller or registered engineer. The letter shall state the source, name of supplier, known quantity and quality of water available, and that the system will be installed in accordance with all applicable regulations. In addition, the letter from a water purveyor providing a domestic water system shall state that he is able and willing to serve each and every lot within the proposed subdivision and the conditions and estimated cost of providing such service. A letter from a water purveyor shall further indicate that the water supply system proposed for the subdivision is adequate to meet the fire protection needs set forth by the appropriate fire protection agency.
- (3) Statement from each utility company proposed to serve the proposed subdivision stating that each such company is able and willing to serve the proposed subdivision as set forth in the tentative plan, and the conditions and estimated costs of such service.
- (4) Proposed fire protection system for the proposed subdivision and written approval thereof by the appropriate serving fire protection agency. Fire hydrant placement shall conform to the comprehensive plan requirements set forth in the Public Facilities Section unless the appropriate local fire protection agency agrees to a lesser standard.
- (5) Title or subdivision guarantee report from a licensed title company stating the record owner(s) of the land proposed to be subdivided and setting forth all encumbrances relative to the subject property.
- (6) Reasons and justifications for any variances requested from the provisions of this ordinance or any other applicable ordinance or regulation.
- (7) Every application for division of property shall be accompanied by a water procurement plan approved by the Deschutes County Watermaster. Such plan shall explain in detail the proposed manner of providing potable domestic water. If irrigation water is to be provided in addition, the water procurement plan shall also explain the manner of providing such irrigation water.
- (8) If a tract of land has water rights, the application shall be accompanied by a water rights division plan approved by the irrigation district or other water district holding the water rights, or when there is no such district, by the district watermaster or his

representative serving the Deschutes County area. Every plat and tentative plan shall indicate the water right that is to be transferred to each parcel or lot.

Section 3.085. MASTER DEVELOPMENT PLAN. An overall master development plan shall be submitted for all developments of more than 25 parcels or for all developments requiring phased or unit development. The master development plan shall include, but not be limited to, the following elements:

- (1) Overall development plan, including phase or unit sequence.
- (2) Schedule of improvements initiation and completion.
- (3) Overall transportation and traffic pattern plan.
- (4) Program timetable projection.
- (5) Development plans for any common elements or facilities.
- (6) Financing plan for all improvements.
- (7) If the proposed subdivision has an unknown impact upon adjacent lands or lands within the general vicinity, the Hearings Officer may require a potential street development pattern for adjoining lands to be submitted together with the tentative plan as part of the master development plan for the subject subdivision, to verify a non-detrimental impact of the subdivision upon adjacent lands.

Section 3.090. APPROVAL OF TENTATIVE PLAN.

- (1) The Subdivision Review Committee shall make its recommendation concerning the tentative plan to the applicant and Hearings Officer within 30 days following the date of its submittal by the applicant.
- (2) Upon written request of the Planning Director the Hearings Officer may extend the review period.
- (3) The Hearings Officer shall review the tentative plan and all reports and recommendations of appropriate officials and agencies. The Hearings Officer may approve, modify, or disapprove the tentative plan for the proposed subdivision, and shall set forth findings for such decision.
- (4) Staff and Hearings Officer review shall be in accordance with County Ordinance PL-9.

- (5) Approval or disapproval of the tentative plan by the Hearings Officer shall be final unless the decision is appealed or reviewed in accordance with County Ordinance PL-9.
- (6) Approval of the tentative plan shall not constitute final acceptance of the plat of the proposed subdivision for recording; however, approval of such tentative plan shall be binding upon the County for purposes of the preparation of the plat and the County may require only such changes in the plat as are necessary for compliance with the terms of its approval of the tentative plan for the proposed subdivision and the terms of this ordinance.
- (7) The decision of the Hearings Officer shall be set forth in writing in a formal report and, in the case of approval, be noted on 3 copies of the tentative plan, including references to any attached documents describing conditions. Within five days of the decision, one copy of the Hearings Officer report shall be sent to the applicant, one copy to the Board of County Commissioners and one copy shall be retained by the Planning Department.

Section 3.100. SPECIFIC APPROVAL REQUIREMENTS. In addition to the requirements set forth by the provisions of this ordinance and applicable local and state regulations, specific requirements for tentative plan approval are as follows:

- (1) No tentative plan shall be approved which bears a name using a word which is the same as, similar to or pronounced in the same way as a word in the name of any other subdivision in the same county, except the words "town", "city", "place", "court", "addition", "estates", or similar words unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the subdivision bearing that name. All plats must continue the lot and block numbers of the last filed plat of the same name.
- (2) No tentative plan for a proposed subdivision shall be approved unless:
 - (A) The streets and roads are laid out to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, improvements, general direction and in all other respects unless the Hearings Officer determines

it is in the public interest to modify the street and road pattern and makes appropriate findings to support such decision.

- (B) The dedication of additional rights-of-way and widening of the existing roadway shall be required whenever existing streets adjacent to or within a tract are inadequate to safely accommodate traffic anticipated by:
 - (1) The current County Roadway Network Plan;
 - (2) The Planning Director's or County Engineer's projection from current growth experience wherein it is found that the present requirements for roads differ from that anticipated when the Network Plan was adopted.

Dedication of additional right-of-way widening shall be required where topography requires cut or fill slopes for roads under the criteria above, where state law requires rights-of-way for utilities to be dedicated or where a rationally supported traffic engineering study states that additional through lanes, lanes for turning exits, bike paths, public safety or efficient traffic flow are required.

- (C) Streets and roads are approved by the Hearings Officer and are clearly indicated on the tentative plan and all reservations or restrictions such as ownership or maintenance responsibilities are set forth.
- (3) No tentative plan for a proposed subdivision located within an urban growth boundary adopted jointly by Deschutes County and a city within the county but outside the city, shall be approved unless the subject proposal has been submitted to the City Planning Commission or City Council, as applicable, for review and until such time, within 30 days of submission, that a written review and recommendation therefrom has been received and considered. The Hearings Officer may allow additional time for response by a city, for good cause shown and upon the entry of findings to support such an extension.
- (4) Approval or denial shall take into consideration;
 - (A) Factors listed in Sec. 2.050;
 - (B) Recommendations of the Subdivision Review Committee and the City Planning Commission or City Council, where applicable; and
 - (C) All applicable comprehensive plan policies.

- (5) Disposition by the Hearings Officer of the application shall be entered along with appropriate findings to support the decision.

Section 3.110. RESUBMISSION OF DENIED TENTATIVE PLANS.

- (1) If the tentative plan for a subdivision is denied, resubmittal thereof shall not be accepted for a period of six (6) months after the date of the final action denying said plan. Upon resubmission the applicant shall consider all items upon which the prior denial was based, and the resubmission shall be accompanied by a new filing fee.
- (2) The resubmittal of a tentative plan shall be first considered by the Executive Committee as provided in Subsections 2.060 and 3.030 before review by the Subdivision Review Committee.
- (3) The Executive Committee may recommend either approval or denial of the resubmittal to the Subdivision Review Committee, in which case findings described in subsection 3.100(4) shall accompany the recommendation or it may make new recommendation to the Subdivision Review Committee.
- (4) Findings to support the Executive Committee's recommendation shall include a recapitulation of the basis for the original denial along with facts and conclusions relative to the recommendation for the resubmittal.

ARTICLE 4.

FINAL PLAT

Section 4.010. SUBMISSION OF THE FINAL PLAT.

- (1) Filing Time Period Requirements. Within six (6) months after the date of approval of the tentative plan for a subdivision, the applicant shall prepare and submit to the Planning Department a final plat that is in conformance with the tentative plan as approved. The applicant shall submit the original drawing, fifteen prints, and any supplementary information required by this ordinance and the Hearings Officer.
- (2) If the applicant fails to proceed with the subdivision before the expiration of the six (6) month period following the approval of the tentative plan, the plan approval shall be void. The applicant may submit a new plan together with the appropriate filing fee.
- (3) The Hearings Officer may, upon submittal of a formal request prior to expiration of the six month period provided for by subsection (2) of this section, grant an extension of not more than 90 days of the six (6) month time period set forth in section 4.010 (1).

Section 4.020. FORM OF FINAL PLAT. The final plat shall be submitted in the form prescribed by state statute and this ordinance. All plats subdividing any tract of land in the county, dedications of streets, roads or public parks and squares, and other writings made a part of such plats offered for record shall be made in black India ink, upon material that is 18 inches by 24 inches, suitable for binding and copying, having such characteristics of strength and permanency as may be required by the County. The plat shall be of such a scale, and the indication of the approvals thereof and of the dedication and affidavit of the surveyor, 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 plat may contain as many sheets as necessary, but a face sheet and an index page shall be included for plats of two or more sheets.

Section 4.030. REQUIREMENTS OF SURVEY AND PLAT OF
SUBDIVISION.

Any final plat submitted shall meet the following requirements:

- (1) The survey for the plat of the subdivision shall not exceed an error of closure of one foot in 4,000 feet.
- (2) The survey and plat of the subdivision shall be made by a surveyor who is a registered engineer or licensed land surveyor.
- (3) The plat 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 and each block lettered or numbered. The lengths of all boundaries of each lot shall be shown. Each street shall be named.
- (4) The locations and descriptions of all monuments shall be clearly recorded upon all plats and the proper courses and distances of all boundary lines shall be shown.

Section 4.040. MONUMENTATION REQUIREMENTS.

- (1) The initial point of all subdivision plats shall be marked with a monument conforming to the following specifications: Galvanized iron pipe, two inch inside diameter, not less than thirty inches long, with a brass cap no less than 2 1/2 inches in diameter, solidly and permanently attached at the top. The brass cap shall be secured in position with either a substantial, non-corrosive rivet or a solid-metal weld. The bottom of the pipe shall end in a welded footplate or be split and flared to a minimum holding width of six inches to anchor the monument when set in the ground. Any galvanization destroyed during threading, cutting, flaring or welding must be retreated against rust. The monument shall be set with the top at finished grade elevation and the subdivision name, year of establishment, and registration number of the registered engineer or registered land surveyor, establishing same, clearly marked with steel dies on the brass cap. The location of the monument shall be noted with reference to a known corner established by the United States Survey.

- (2) The intersection of all streets and roads and all points on the exterior boundary where the boundary line changes direction shall be marked with monuments either of stone, concrete, galvanized iron pipe, or iron or steel rods.
- (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 in diameter or iron or steel rods not less than one-half inch in least dimension and two feet long.
- (4) Points shall be plainly and permanently marked upon monuments so measurements may be taken to them within one-tenth of a foot.
- (5) All required interior and exterior monuments shall be marked and such monuments shall be referenced on the plat of the subdivision before the plat of the subdivision is offered for approval and recording.

Section 4.050. INFORMATION ON PLAT. In addition to that required for the tentative plan or otherwise specified by law, the following information shall be shown on the plat:

- (1) Name of subdivision.
- (2) Name of the owner, applicant, and engineer or surveyor.
- (3) The date, scale, north point, legend, controlling topography such as bluffs, creeks, and other bodies of water, and existing highways and railroads.
- (4) Legal description of the tract boundaries.
- (5) Reference points of existing surveys, identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
 - (A) Stakes, monuments, or other evidences found on the ground and used to determine the boundaries of the subdivision.
 - (B) Adjoining corners of adjoining subdivisions.
 - (C) Other monuments found or established in making the survey or required to be installed by provisions of this ordinance.
- (6) The exact location and width of streets and easements intercepting the boundary of the tract.
- (7) Tract, block and lot boundary lines and street rights-of-way and center lines, with dimensions, bearing or deflecting angles, radii, arcs, points of curvature and tangent bearings. Normal high water lines for any creek, bay or other body of water. Tract boundaries and street bearings shall be shown to the nearest 30 seconds with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

- (8) Streets. The width of the streets being dedicated and the curve data shall be based on the street center line. In addition to the center line dimensions, the radius and central angle shall be indicated together with the long chord distance and bearing.
- (9) Easements. Easements shall be noted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.
- (10) Lot Numbers. Lot numbers beginning with the number "1" and numbered consecutively in each block.
- (11) Block Numbers. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid and of sufficient size and thickness to stand out and placed so as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.
- (12) Public Lands. Identification of land, including reserve strips, purpose, public or private, to distinguish it from lots intended for sale.
- (13) Building Setback Lines. Building setback lines, if any, that are a part of the subdivision restrictions.
- (14) Access Restrictions. Limitations on rights of access to and from streets, lots and other parcels of land.
- (15) Area. The area of each lot, if larger than one acre, to the nearest hundredth of an acre; and the area of each lot less than one acre, to the nearest square foot.
- (16) Address. Pursuant to the applicable addressing system, the address of each lot shall be shown.
- (17) Certificates. The following certificates are required and shall be combined where appropriate.
 - (A) A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.

- (B) A certificate signed and acknowledged as above, dedicating all land intended for public use, except land intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants, and servants.
- (C) A certificate with the seal of and signed by the engineer or surveyor responsible for the survey and final map.
- (D) A certificate for execution by the County Hearings Officer.
- (E) A certificate for execution by the County Engineer.
- (F) A certificate for execution by the County Planning Director.
- (G) A certificate for execution by the County Surveyor. Any plat prepared by the County Surveyor in his private capacity shall be approved by the County Surveyor of another county in accordance with ORS 92.100(2) and (3).
- (H) A certificate for execution by the County Tax Collector.
- (I) A certificate for execution by the County Assessor.
- (J) A certificate for execution by the irrigation district, where applicable. All plans, plats or replats of subdivisions located within the boundaries of an irrigation district, drainage district, water control district, district improvement company or similar service district shall be submitted to the board of directors of the district or company and its approval thereof shall be indicated thereon by the board before county approval of such plan, plat or replat of any subdivision. Except that if the applicant is unable to obtain action or approval of any district or company within 45 days the applicant shall notify the Board of County Commissioners (Board) in writing and thereafter the Board shall serve notice on that district or company by certified mail advising the district or company that any objections to the plan, plat or replat must be filed in writing with the Board within 20 days. Failure of the district or company to respond shall be considered an approval of such plan, plat or replat.
- (K) A certificate of approval of execution by the Board of County Commissioners.
- (L) Other certificates required by state regulations.

Section 4.060. SUPPLEMENTAL INFORMATION WITH PLAT.
The following data, if applicable, shall accompany the plat:

- (1) Title Report. A preliminary title or subdivision guarantee report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises; such report shall show evidence of a clear and marketable title.
- (2) Survey Data Sheets. Sheets and drawings shall contain the following information:
 - (A) Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any. A survey control work sheet may be substituted for this item.
 - (B) The computation of distances, angles and courses shown on the plat.
 - (C) Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing.
- (3) Deed Restrictions. A copy of any deed restrictions applicable to the subdivision.
- (4) Homeowner's Association. A copy of any homeowner's association agreements proposed or required for the subdivision.
- (5) Dedications. A copy of any dedication requiring separate documents with specific reference to parks, playgrounds, etc.
- (6) Taxes. A list of all taxes and assessments on the tract which have become a lien on the land subdivided.
- (7) Board of County Commissioners. A certificate by the Board of County Commissioners that the applicant has complied with the improvement guarantee requirements of sections 9.010 and 9.020.
- (8) Improvements. If grading, street improvements, sewer or water facilities are required as a condition of approval of the final plat, the following shall be required to be submitted with final plat:
 - (A) Improvement Plan in accordance with Appendix A of this ordinance.
 - (B) Plans and profiles of proposed sanitary sewers,

location of manholes and proposed drainage system.

- (C) Plans and profiles of the proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
 - (D) Specifications for the construction of all proposed utilites.
 - (E) Grading plans and specifications as required for areas other than streets and ways.
 - (F) Planting plans and specifications for street trees and other plantings in public areas.
 - (G) Plans for improvements, design factors, or other provisions for fire protection or fire hazard reduction.
- (9) Access Permits. If access is to a state highway the necessary access permits shall be obtained prior to final plat approval.

Section 4.070. TECHNICAL REVIEW OF PLAT.

- (1) Ordinance Check. Upon receipt by the Planning Department, the plat and other data shall be reviewed by the Executive Committee to determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan, and for compliance with provisions of this ordinance and other applicable laws.
- (2) Field Check. The County Engineer and Planning Director or their designated representatives may make such checks in the field as are desirable to verify that the map is sufficiently correct. The Engineer or Planning Director or representatives thereof may enter the property for this purpose.
- (3) Corrections. If the field check reveals that full conformity has not been met, the applicant shall be advised in writing of the changes or additions to be made and shall be afforded a reasonable opportunity to make the changes or additions.
- (4) Reimbursement. Expenses incurred by the County Engineer in the technical plat review shall be reimbursed by the applicant prior to final approval of the plat.

Section 4.080. CONDITIONS OF PLAT APPROVAL.

- (1) Upon receipt of the plat with the approval of the

Executive Committee, the Subdivision Review Committee (committee) shall determine whether it conforms with the approved tentative plan and with these regulations. If the committee does not approve the plat, it shall advise the applicant of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the committee determines that the plat conforms to all requirements it shall recommend approval, provided supplemental documents and provisions for required improvements are satisfactory. Recommendation of approval of the plat does not constitute or effect an acceptance by the public of the dedication of any street or other easement shown on the plat nor does such approval constitute final approval, said authority for final approval being vested with the Board of County Commissioners.

- (2) No plat of a proposed subdivision shall be approved unless:
 - (A) The plat complies with the comprehensive plan, zoning ordinances and other conditions applicable to the proposed subdivision.
 - (B) Streets and roads for public use are to be dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easement for public utilities.
 - (C) Streets and roads held for private use and indicated on the tentative plan for such subdivision have been approved by the County.
 - (D) The plat or map contains provisions for dedication to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems, if made a condition of the approval of the tentative plan.
 - (E) Explanations of all common improvements required as conditions of approval of the tentative plan shall be recorded and referenced on the final plat or map.
- (3) No plat of a subdivision shall be approved unless the County has received and accepted:
 - (A) A certification by a municipal water supply system, or by the owner of a community or public water supply system, subject to regulation by the Public Utility Commissioner of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed plat; or

- (B) A proposed bond, contract or other assurance by the applicant to the County and approved by the County's Legal Counsel that a domestic water supply system will be installed by or on behalf of the applicant to the lot line of each and every lot depicted in the proposed plat. The amount of any such bond, contract or other assurance by the applicant shall be determined by a registered professional engineer subject to any change in such amount as determined necessary by the County.
- (C) Certification by a publicly-owned sewage disposal system or by the owner of a privately owned sewage system that is subject to regulation by the Public Utility Commissioner of Oregon that a sewage disposal system will be available to the lot line of each and every lot depicted in the proposed plat; or
- (D) A proposed bond, contract or other assurance by subdivider to the County and approved by the County's Legal Counsel that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed plat. 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 County considers necessary; or
- (E) A final plat in compliance with the tentative plan approval.
- (F) Certification that all required and proposed improvements and repairs to existing public facilities damaged in the development have been completed, or a bond, contract or other assurance by the applicant to the County approved by the County's Legal Counsel specifying the period within which required improvements and repairs shall be completed.

Section 4.100. FINAL PLAT APPROVAL. After the final plat has been checked and approved as provided in this article, and when all certificates appearing thereon, except those of the Planning Director, County Clerk and Board of County Commissioners have been signed and, when necessary, acknowledged, the Planning Director shall certify the final plat and submit it to the Board of County Commissioners for final approval.

Section 4.110. RECORDING OF PLAT.

- (1) No plat shall have any force or effect until the same has been finally approved by the Board of County Commissioners. No title to any property

described in any offer of dedication shall pass until the final plat has been recorded.

- (2) The Planning Director or his representative shall file the approved final plat, including an exact copy thereof as described in subsection (4) of this section, with the County Clerk.
- (3) No plat shall be recorded unless all ad valorem taxes and all special assessments fees or other charges required by law to be placed upon the tax roll, which have become a lien upon the subdivision or which will become a lien during the calendar year, have been paid.
- (4) The applicant shall also submit with the final plat an exact copy thereof, made with black India Ink or photocopy upon a good quality of linen, tracing cloth or other suitable drafting material having the same or better characteristics of strength, stability and transparency. The engineer or surveyor who made the plat shall make an affidavit to indicate that the photocopy or tracing is an exact copy of the plat. The copy shall be filed with the County Recorder and shall be certified by him to be an exact copy and then shall be filed in the archives of the County, and be preserved by filing without folding. The applicant shall provide without cost prints from such copy to the County Assessor, County Sanitarian, County Engineer, County Planning Department and appropriate postal and fire protection agencies.
- (5) The final plat shall be accompanied by a filing fee as set by the Board of County Commissioners.

Section 4.120. FILING PLAT WITH STATE. Either before or after recording the final plat, the applicant or his surveyor shall file a report with the Real Estate Division, Department of Commerce, State of Oregon, and shall comply with all provisions of the Oregon Revised Statutes relating to the sale of subdivided land in Oregon. A full and complete copy of said report shall be filed with the County Planning Department.

ARTICLE 5.

LAND PARTITIONING

Section 5.010. APPLICABILITY OF REGULATIONS.

- (1) All land partitionings within the county shall be approved by the Executive Committee. Said approvals shall only be granted in accordance with the provisions of this ordinance.
- (2) In its discretion, the Executive Committee may submit the partition to the County Surveyor for approval.
- (3) Any plat prepared by the County Surveyor in his private capacity shall be approved by the County Surveyor of another county in accordance with the provisions of ORS 92.100(2) and (3).

Section 5.020. FILING PROCEDURES AND REQUIREMENTS.

- (1) Any person proposing a land partitioning, or his authorized agent or representative, shall prepare and submit five (5) copies of the documents hereinafter described, in accordance with the prescribed procedures, and the appropriate filing fee, to the Planning Department.
- (2) The tentative plan for partitioning shall include the following:
 - (A) A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways and adjoining land use and ownership patterns. The map must include names of all existing roadways shown therein.
 - (B) A plan of the proposed partitioning showing tract boundaries and dimensions, the area of each tract or parcel, locations of all easements, and the names, right-of-way widths and improvement standards of existing roads.
 - (C) Names and addresses of the landowner, the applicant (if different), a mortgagee if applicable, the engineer or surveyor employed or to be employed to make necessary surveys and prepare the legal descriptions of each parcel to be created, and record owners of land contiguous to the proposed partition.
 - (D) A statement regarding contemplated water supply, sewage disposal, solid waste disposal, fire

protection and access, etc.

- (E) North point, scale and date of map, and property identification by tax lot, section, township and range.
- (F) Statement regarding past, present and intended use of the parcels to be created, or the use for which the parcels are to be offered.
- (G) If a tract of land has water rights, the application shall be accompanied by a water rights division plan approved by the irrigation district or other water district holding the water rights, or when there is no such district, by the County Watermaster.
- (H) Location of all existing buildings, canals, ditches, septic tanks and drainfields.
- (I) Location of any topographical feature which could impact the partition, such as canyons, bluffs, rock outcroppings, natural springs, and flood plains.
- (J) Location, width, name, curve ratio and approximate grade of all proposed rights-of-way.

Section 5.030. REQUIREMENTS FOR APPROVAL.

- (1) No application for partitioning shall be approved unless the following requirements are met:
 - (A) Proposal is in compliance with ORS Chapter 92, the comprehensive plan and applicable zoning.
 - (B) Proposal does not conflict with acquired public access easements within or adjacent to the partition.
 - (C) Each parcel is suited for the use intended or offered.
 - (D) Proposal is compatible with adjoining and area land uses.
 - (E) All required public services and facilities are available and adequate or are proposed to be provided by the petitioner.
 - (F) Proposal will not have any undue adverse impacts on adjoining or area land uses, public services and facilities, and natural resource carrying capacities.

(G) An approved water rights division plan.

- (2) The Executive Committee shall deny an application for partitioning when it appears the partitioning is part of a plan or scheme to create more than three (3) parcels without going through subdivision, or is part of a development pattern having the effect of creating more than three (3) parcels without subdividing.

Section 5.040. ADDITIONAL FACTORS TO BE CONSIDERED.

In addition to the requirements set forth in section 5.030. the following additional factors shall be considered by the Executive Committee when appropriate :

- (1) Placement and availability of utilities.
- (2) Safety from fire, flood and other natural hazards.
- (3) Adequate provision of public facilities and services.
- (4) Possible effects on natural, scenic and historical resources.
- (5) Need for onsite or offsite improvements.
- (6) Need for additional setback, screening, landscaping and other requirements relative to the protection of adjoining and area land uses.

Section 5.050. IMPROVEMENT REQUIREMENTS.

- (1) In the approval of a land partitioning, the Executive Committee shall consider the need for street and other improvements, and may require as a condition of approval any improvements that may be required for a subdivision under the provisions of this ordinance. All roads in major partitions shall be dedicated to the public without reservation or restriction.
- (2) Existing Streets. The dedication of additional right-of-way and widening of the existing roadway shall be required whenever existing streets adjacent to or within a tract area are inadequate to safely accommodate traffic anticipated by:
 - (A) Current County Roadway Network Plan; or
 - (B) The Planning Director's or County Engineer's projection from current growth experience wherein it is found that the present requirements for roads differ from those anticipated when the Network Plan was adopted,

Dedication of additional right-of-way widening shall be required where topography requires cut or fill slopes for roads under the criteria above, where state law

requires rights-of-way for utilities to be dedicated or where a rationally supported traffic engineering study states that additional through lanes, lanes for turning, exits, bike paths, or walkways are needed for public safety or efficient traffic flow.

Section 5.060. FINAL MAP OR DRAWING FOR PARTITIONING. Following approval of the tentative plan for a proposed partitioning, the applicant shall prepare and submit to the Planning Department the final map or drawing for the subject partitioning. Such filing shall be completed within six months from the date of the approval, or the approval shall be void. The final map or drawing shall be prepared in accordance with the following requirements and the original and two (2) copies thereof submitted by the Planning Department to the Executive Committee for approval. The original shall be recorded by the Planning Director in the office of the County Clerk following approval by the Executive Committee.

(1) Final map or drawing requirements:

- (A) Maps shall be drawn to a scale of one inch per 100 feet.
- (B) Name of the owner, developer and engineer or surveyor shall be shown on the map or drawing.
- (C) Date, scale, north point, legal description of boundaries, and a tie by actual survey to a section or donation land claim corner.
- (D) Parcel boundary lines, with dimensions and bearings; bearings shall be to the nearest 30 seconds, and distances to the nearest 0.01 feet. The area of each parcel shall be shown.
- (E) An affidavit by the engineer or surveyor having surveyed the land involved a major partitioning.
- (F) A certification of acceptance of any public dedication.
- (G) A guarantee of approved or required improvements, including identification of maintenance responsibilities for proposed or existing roads and streets.
- (H) A certification of approval for execution by the Planning Director.
- (I) Water rights to be assigned to each parcel shall be indicated on the map or drawing and certification of approval thereof.

- (2) Approval Requirements: No final map or drawing for a land partitioning shall be approved by the Executive

Committee unless all of the following requirements are met:

- (A) The final map or drawing is in strict conformance with the approved tentative plan.
- (B) The final map or drawing is in conformance with the requirements set forth in subsection (1) of this section.
- (C) Access is guaranteed to each parcel.
- (D) Each parcel is approved for subsurface sewage disposal if applicable to the intended or offered use.
- (E) All required public utilities are available.
- (F) All conditions of the tentative plan approval have been met or guaranteed.
- (G) A guarantee of all proposed or required improvements has been submitted and approved or such improvements completed and approved as set forth by the Executive Committee.

Section 5.070. APPLICATION REVIEW.

- (1) Within 30 days following submission of an application for a land partitioning the Executive Committee shall review the plans and application submitted, and shall either deny or recommend application.
- (2) Upon written request of the Planning Director the Hearings Officer may extend the review period.
- (3) Staff and Hearings Officer review shall be conducted in accordance with County Ordinance PL-9.

Section 5.080. APPEAL. An appeal of a decision or requirement of the Executive Committee relative to a land partitioning shall be made in accordance with the provisions of article 11 of this ordinance, and County Ordinance PL-9.

Section 5.090. SPECIAL PARTITIONING REGULATIONS.

- (1) The partitioning of a tract of land in which not more than one (1) parcel is created and transferred to a public or semi-public agency for the purpose of a road, railroad, electric substation or canal right-of-way may be approved by the Planning Director. A filing fee shall be required.
- (2) The adjustment of a lot line by the relocation of a common boundary does not include cases when an

additional parcel or tax lot is created, when a parcel existing before the adjustment is reduced in size by more than 5% of its original area, when a parcel existing before the adjustment is reduced below the minimum lot size established by the applicable zoning, when the entire common boundary involved is not relocated an equal distance, when there are dwellings, roads, rights-of-way existing or shown in the comprehensive plan or County Road Network Plan, or other structures located within the area involved in the adjustment. All such adjustments shall be treated as partitions.

- (3) The executive committee may waive the operation of subsection (2) of this section for previously approved partition parcels where the applicant seeks to relocate the entire common boundary an unequal distance for the purpose of retaining a pre-existing distance for the purpose of retaining a pre-existing tree of six inches in caliper or greater.

Section 5.100. PARTITIONING FOR FINANCIAL PURPOSES.

- (1) Upon application to the Planning Director, a special permit may be granted authorizing the creation of a security interest or leasehold in a parcel of land.
- (2) Permits issued under the authority of this section shall be subject to the following limitations and restrictions:
 - (A) A parcel possessed or subject to a right of possession by a person under the terms of a lease or the foreclosure of a security interest, and the remaining parcels, must remain in the same legal use the parcels were in at the time the interest became possessory, except the parcels may be put into agricultural use; but in no case may an additional structure or improvement, other than that which is the subject of the applicable security interest, be added to any parcel by the authority of the permit authorized in subsection (1) of this section. In order to establish uses other than agriculture or to erect structures including farm accessory structures, the owner of the parcel must secure a land partitioning approval as otherwise required by this ordinance.
 - (B) The permit authorized in subsection (1) of this section shall be valid only for the time of the lease or the life of the security interest, except in the case of default and foreclosure upon the interest. In the case of default and foreclosure, the permit shall be valid only until a land partitioning permit is granted or the parcels are rejoined in a contiguous unit of land under the same ownership.

- (C) At the expiration of the security interest if there is no default or foreclosure or at the expiration of the lease, the parcels shall be

rejoined into a contiguous unit of land under one ownership and, if possible, shall be reunited or combined into a single tax lot. The owner of the property shall be in violation of this ordinance if he has not, within 30 days of the permit becoming void, made written application to the County Assessor for the combination of the parcels into a single tax lot.

- (3) No permit may be issued under this section until the owners of the subject property and the holder of the security or lease interest sign a statement indicating that all parties agree to comply with the limits being placed upon the permit.
- (4) The permit issued under this section shall be immediately void if the owner of the property attempts any transfer of the subject parcels except as provided by the terms of the permit or of this ordinance.
- (5) The partitioning permit authorized by this section shall be granted only if the applicant certifies and the Planning Director finds that:
- (A) The intended partitioning is temporary and not created for the purpose of evasion of the requirements of this ordinance, other County ordinances or regulations, or state law.
- (B) The partitioning will not result in the need for additional roads or other access.
- (C) The partitioning will not result in the need for additional improvements.
- (D) The partitioning will not interfere with adjoining and area land uses.
- (E) The partitioning will not violate any provisions of applicable zoning or policies of the comprehensive plan.

ARTICLE 6.

DEDICATION OF STREETS NOT PART OF A SUBDIVISION

Section 6.010. APPLICATION. Any person desiring to create a street not part of a subdivision or major partition shall make written application to the Planning Department. Said application shall be made on prescribed forms, and shall be accompanied by the required information and appropriate filing fee.

Section 6.020. MINIMUM DESIGN STANDARDS. The minimum standards of design and improvements for the dedication of a street shall be the same as set forth in this ordinance for streets within a subdivision and shall be in compliance with other applicable street standard regulations.

Section 6.030. PROCEDURE.

- (1) Upon receipt of written application and appropriate filing fee for street dedication, the Planning Director shall refer the proposal to the County Engineer for review and recommendation. The application must be accompanied by two copies of the proposed dedication, written legal description and proposed improvements.
- (2) If access to a County Road or State Highway is planned, the necessary permits shall be obtained prior to approval by the Board of County Commissioners.
- (3) The County Engineer shall report his findings and recommendations regarding the proposed dedication and improvements to the Planning Director.
- (4) Upon receipt by the Planning Director of written findings and recommendations from the County Engineer, the proposal shall be submitted to the Board of County Commissioners for preliminary review and approval.
- (5) Upon preliminary approval by the Board of County Commissioners, the engineering and improvements design of the roadway conforming to the requirements of this ordinance and other applicable regulations shall be submitted to the County Engineer for review and approval. Said engineering and improvements design shall be prepared and signed by a licensed engineer or surveyor.

- (6) Following approval of the roadway engineering and design, the applicant shall prepare a warranty deed dedicating said street to the public and an improvements guarantee. Said documents shall be submitted to the County Legal Counsel for review and approval, together with a current title report on subject property.
- (7) Following receipt of the approvals set forth in subsections (5) and (6) of this section, the deed and improvements guarantee shall be submitted to the Board of County Commissioners for final approval.

ARTICLE 7.

DESIGN STANDARDS.

Section 7.010. COMPLIANCE REQUIRED. A land division, by major partition subdivision, creation of a street or other right-of-way, shall be in compliance with the design standards set forth in this ordinance, including Deschutes County Road Standards (Appendix A).

Section 7.020. STREETS.

- (1) General. The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. The proposed street location and pattern shall be shown on a development plan and the arrangement of streets shall provide for the continuation or projection of existing principal streets in surrounding areas.
- (2) Partial Plats. If the plat submitted covers only a part of the applicants tract, a drawing of the prospective future street system of the entire tract shall be furnished.
- (3) Future Re-Subdivision. If a tract is subdivided into lots of one to ten acres in area, the Subdivision Review Committee may require an arrangement of lots and streets to permit a future re-subdivision in conformity with street and other requirements contained in this ordinance.
- (4) Existing Streets. Whenever existing streets, adjacent to or within a tract, are of inadequate width to accommodate the increase in traffic expected from the subdivision, additional right-of-way shall be provided at the time of the land division by the applicant. During consideration of the tentative plan for a subdivision, the Subdivision Review Committee (Committee) shall determine whether improvements to existing streets, adjacent to or within the tract, are required; such improvements may be required as a condition of approval of the tentative plan.

- (5) Minimum Right-of-way and Roadway Width. Unless otherwise approved in the tentative development plan, the street right-of-way and roadway surfacing widths shall be in conformance with standards and specifications set forth in Appendix A of this ordinance. If land division is located within an urban growth boundary, compliance with applicable city street improvement standards and specifications may be required.
- (6) Reserve Strips. Reserve strips controlling access to streets shall be required when deemed necessary by the Committee for the protection of public safety and welfare. The strips shall be dedicated to the public for future street purposes.
- (7) Future Extensions of Streets. When necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition and the resulting dead-end streets may be approved without a permanent turn-around. Reserve strips shall be required to preserve the objective of street extensions.
- (8) Half Street. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition if in conformity with other requirements of these regulations and if the Committee finds it will be practical to require the dedication of the other part when the adjoining property is divided. Reserve strips may be required to preserve the objectives of half streets.
- (9) Cul-De-Sacs. A cul-de-sac shall conform to the conditions contained in Appendix A of this ordinance.
- (10) Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street in a nearby city or in the county. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the City Planning Commission if located within an urban growth boundary jointly adopted by a city and the County. Street names shall comply with the provisions of Appendix A unless superseded by a controlling local government.
- (11) Streets Adjacent to Railroad Right-of-Way. If the proposed land division contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of such right-of-way at a distance suitable for use of the land between the streets and the railroad. The

distance shall be determined by considering the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way. In the case of a railroad right-of-way a land strip of not less than twenty-five feet in width shall be provided along such right-of-way for screen planting between the railroad and residential lots. When such parallel streets are less than eighty (80) feet from a freeway or parkway the intervening property shall be held or developed for park or thoroughfare purpose only. Streets parallel to streets which intersect a railroad shall be located at a distance from such railroad sufficient to make provisions for any possible grade separations on the cross streets.

- (12) Marginal Access Streets (Frontage Roads). If a land division abuts or contains an existing or proposed collector or arterial street, the Committee may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic. Provision may be made for emergency access. All marginal access streets shall comply with appropriate local road standards.
- (13) Alleys. Alleys should be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are approved by the Committee. The minimum width of an alley in a residential block when platted shall be sixteen (16) feet. Alleys in commercial and industrial districts shall not be less than twenty (20) feet. The corners of all alleys at their intersection with streets and other alleys shall be curved with a radius of not less than ten (10) feet.
- (14) Access Generally. Each lot shall be provided with a road having unrestricted access to an existing public street.
- (15) Access Crossing Public Lands. If provision of public requires the crossing of public lands, approval of the subdivision shall be obtained from the agency having jurisdiction over said public lands crossed over prior to Hearings Officer approval of the tentative plan.
- (16) Access to State Highway. Where a subdivision requires an access approach to a State Highway, approval shall be obtained from the State Highway Dept. prior to Hearings Officer approval of the tentative plan.

Section 7.030. BLOCKS.

- (1) General. The length, width and shape of blocks shall accommodate the need for adequate building site size and street width and shall be compatible with the limitations of the topography.
- (2) Size. No block shall be more than 1,000 feet in length in lots of five acres or less and 2,640 feet in lots of less than five acres between street corner lines unless adjacent to the arterial street or unless the topography or location of adjoining streets justifies an exception. The recommendation minimum block length along an arterial street is 1,800 feet. A block shall have sufficient width to allow for two building sites unless topography of the location of and adjoining street justifies an exception.
- (3) Easements.
 - (A) Utility Easements. Easements shall be provided along property lines when necessary for the placement of overhead or underground utilities and to provide the subdivision with electric power, communication facilities, street lighting, sewerlines, waterlines, gaslines, or drainage. Such easements shall be labeled "Public Utility Easement" on the tentative and final plat; they shall be at least 12 feet in width and centered on lot lines where possible, except utility pole guyline easements along the rear of lots adjacent to unsubdivided land may be reduced to 10 feet in width.
 - (B) Drainage. If a tract is traversed by a water course such as a drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of the water course or in such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses or drainage ways may be required.
 - (C) Pedestrian and Bicycle Ways. When desirable for public convenience, a pedestrian or bicycle way in conformance with the comprehensive plan may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block or otherwise provide appropriate circulation.

Section 7.040. BUILDING SITES.

- (1) Size and Shape. The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and

use contemplated, and shall be consistent with the lot size provisions of the zoning ordinance, with the following exceptions:

- (A) In areas not to be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and County Sanitarian, and shall be sufficient to permit adequate sewage disposal. Any problems posed by soil structure and water table as related to sewage disposal by septic tank shall be addressed and resolved in the applicant's initial plan.
- (B) Where property is zoned and planned for business or industrial use, other widths and areas may be permitted by the Hearings Officer. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (2) Access. Each lot and parcel shall abut a street other than an alley for a distance of at least 50 feet.
- (3) Through Lots and Parcels. Through lots and parcels shall be avoided, except where they are essential to provide separation of residential development from major traffic arterials or adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide, across which there shall be no right of access, shall be required along the line of building sites abutting such a traffic arterial or other incompatible uses, except that if the lot or parcel abuts on any side an area to which access is likely to be required for emergency vehicles, the planting screen shall be sufficiently short to allow such access.
- (4) Lot and Parcel Side Lines. The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.
- (5) Division by Rights-of-way, Drainage Ways. No lot established after the effective date of this ordinance shall be divided by the boundary line of the County, city or other taxing or service district, or by the right-of-way of a street, utility line or drainage way, or by easement for utilities or other services, or by major irrigation delivery canals.

- (6) Solar Access. The lines of lots and parcels, as far as is practicable shall be oriented to allow structures constructed on the lots or parcels to utilize solar energy by establishing the long axis in the east-west direction permitting sunlight access three hours before and after solar noon. Easements necessary to assure solar access may also be required for subdivision approval.

Section 7.050. GRADING OF BUILDING SITES. Grading of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards.

- (1) Cut slope ratios shall not exceed one foot vertically to one and one-half feet horizontally.
- (2) Fill slope ratios shall not exceed one foot vertically to two feet horizontally.
- (3) The composition of soil for fill and the characteristics of lots and parcels made useable by fill shall be suitable for the purpose intended.

Section 7.060. SPECIAL SETBACKS If special building setbacks lines are to be established in a subdivision, they shall be shown on the tentative plan and final plat and included in the deed restrictions.

Section 7.070. LARGE BUILDING SITES In dividing tracts into large lots or parcels which exceed the minimum lot size permitted by either the zoning map or the comprehensive plan map, the Subdivision Review Committee may require that the blocks be of a size and shape which will facilitate future redivision. Such conditions shall allow for future street extensions and openings .

Section 7.080. LAND FOR PUBLIC PURPOSES

- (1) If the County has an interest as expressed in its capital improvements program in acquiring a portion of a proposed subdivision for a public purpose, or if the County has been advised of such interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, the Hearings Officer may require that those portions of the subdivision be reserved for public acquisition, for a period not to exceed one year, although such area may be platted and approved as part of the subdivision.
- (2) All subdivisions shall be required to dedicate an amount of land for recreational purposes sufficient to provide 2.5 acres of usable park land for each 1.000 people. Outside an urban growth boundary the amount to be

dedicated shall be established by determining the maximum potential occupant density per acre (including seasonal). The total amount to be dedicated will be determined by applying the method indicated in the example set forth below:

Example

15,000 sq.ft. lots = 9 people/acre*

1,000 people ÷ 9 people/acre = 111 acres necessary
to accommodate 1,000
people

2.5 acres ÷ 111 acres = .023 acres

100 gross acre subdivision x .023 = 2.3 acres to be
dedicated for
park purposes.

*Assumes three people per household (1970 U.S.
Census)

Inside urban growth boundaries, the park dedication standard shall be that established by mutual agreement between Deschutes County and the appropriate city and park district authorities. The Hearings Officer shall determine whether a fee in lieu of land dedication is appropriate. The land to be dedicated for park purposes must actually be functional park land. The amount of the in-lieu fee shall be determined by multiplying the amount of land to be dedicated times the per acre most recently assessed value as shown on county tax rolls of the subdivision lots to be sold in the subdivision.

Example.

10 acre lots require .0075 acres of land for park purposes for each acre of subdivision. A 100 acre subdivision would require .075 acres of land for park purposes. Assuming the lots are assessed at \$3,500/acre (\$3,500 x .075) the in-lieu fee would be \$262.50.

- (4) The in lieu fees paid in accordance with this section shall be set aside in a fund whose assets are limited to the acquisition, improvement, or maintenance of park land.

Section 7.090. FLOOD HAZARDS. Areas subject to ponding of surface waters or flooding caused by surface waters or a high water table, shall not be subdivided until necessary measures have been taken to eliminate the hazard involved. The existence of such hazard may be just cause for disapproval of the proposal.

Section 7.100. WATER SUPPLY. An adequate water supply shall be required for all subdivisions and partitions, and shall be one of the following:

- (1) Individual wells: In any development where individual wells are proposed, the applicant shall furnish evidence that a safe and potable water supply will be provided in adequate quantity and quality for domestic use (5 gallons/minute minimum).
- (2) Community domestic water supply system: In any development where a community water supply system is required or proposed, plans for the said water supply system shall be submitted to and approved by the appropriate state or federal agency.
- (3) A community water supply system shall be required where lot sizes are less than one (1) acre or where potable water sources are at depths greater than 500 feet, excepting land partitions.

Section 7.110. SOLID WASTE. The applicant must provide a plan for disposal of solid waste generated by the development. Such plan must be approved by the County Sanitarian.

Section 7.120. PUBLIC UTILITIES. In subdivisions all public facilities provided shall be underground wherever feasible.

Section 7.130. FIRE HAZARDS. Subdivisions shall be subject to the following requirements:

- (1) Ingress/egress routes from at least two different directions shall be provided to assure adequate access to fire and emergency equipment and easy resident evacuation.
- (2) Access ways to all lakes, streams, swimming pools or other water sources, shall be provided for fire trucks, and shall allow the trucks to locate within 12 feet from the water source. The access way shall be capable of supporting a 65,000 pound equipment vehicle.
- (3) Bridges and roads shall be constructed to accommodate fire fighting equipment appropriate to the area.
- (4) All roads, streets and buildings shall be clearly identified by permanent signs or numbers readable from the street or road.
- (5) All developments shall provide an adequate firebreak around and within various segments of the subdivision and protective covenants shall be required to maintain appropriate firebreaks, vegetation (as to height and type), and building materials to reduce the likelihood of fire.

ARTICLE 8 IMPROVEMENTS

Section 8.010 IMPROVEMENT PROCEDURES. In addition to other requirements, improvements to be installed by the applicant, either as a requirement of this ordinance or other applicable regulations or at his own option, shall conform to the requirements of this article.

- (1) Plan Review and Approval. Improvement work shall not be commenced until plans therefor have been reviewed and approved by the Executive Committee or a designated representative thereof. To the extent necessary for evaluation of a proposed development, such improvement plans may be required before approval of the tentative plan or preliminary map or drawing.
- (2) Improvements as Platted. Improvements shall be designed, installed and constructed as platted and approved, and plans therefor shall be filed with the final plat at the time of recordation or upon completion.
- (3) Inspection. Improvements shall be constructed under the inspection and approval of a County inspector designated by the Executive Committee. Expenses incurred thereby shall be borne by the applicant. The inspector may require changes in sections and details of the improvements if unusual conditions arise during construction to warrant such changes.
- (4) Utilities. Underground utilities including but not limited to electric power, telephone, water mains, water service crossings, sanitary sewers and stormwater drains shall be constructed by the applicant prior to the surfacing of the streets.
- (5) As-Built Plans. A map showing public improvements as built shall be filed with the Planning Department upon completion of the improvements, and a copy thereof shall be recorded with the final plat.

Section 8.030 IMPROVEMENTS IN SUBDIVISIONS. The following improvements shall be installed, at the expense of the applicant:

- (1) Streets. Streets, including alleys and curbs, within the subdivision, adjacent thereto, and those outside the subdivision required to be installed or improved as a condition of subdivision approval, shall be improved to specifications set forth by this ordinance and other applicable regulations. Catch basins shall be installed and connected to drainage facilities in accordance with specifications in this and other applicable regulations, and in accordance with additional specifications imposed by the County

1
2
3
4



to meet specific conditions. Upon completion of street improvements, monuments shall be re-established in accordance with this ordinance and Oregon Revised Statutes at every street intersection and all points of curvature and points of tangency at their center-lines.

- (2) Surface Drainage and Storm Sewer System. Drainage facilities required within the subdivision and to connect the subdivision drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain restricted flow from areas draining through the subdivision and to allow extension of the system to serve such area.
- (3) Sanitary Sewers. Sanitary sewers shall be installed to serve the subdivision and to connect the subdivision to existing mains. Design shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.
- (4) Water System. Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to the serving system shall be installed to specifications of the serving water system purveyor. The design shall take into account provisions for extension beyond the subdivision.
- (5) Sidewalks. Sidewalks are required to be installed on at least one side of a public street and in any special pedestrian way within the subdivision except that in the case of collectors, arterials, or special industrial type districts, the Subdivision Review Committee may approve a subdivision without sidewalks if alternative pedestrian routes are available. In the case of streets serving residential areas having single-family dwellings located on lots equivalent to two and one-half or fewer dwellings per acre, the requirement of sidewalks shall not apply, provided there is no evidence of regular pedestrian activity along the streets involved.
- (6) Bicycle Routes. If appropriate to the extension of a system of bicycle routes, existing or planned, the Subdivision Review Committee may require the installation of separate bicycle lanes within streets and separate bicycle paths.
- (7) Signs. Street name signs, stop signs, and all other traffic control signs as required by the County Engineer or in accordance with the MUTCD shall be installed. A minimum of one street sign shall be provided at four-way intersections.

(8) Street Lights. Street lights shall be installed, and shall be served from an underground source of supply as feasible.

(9) Other. The applicant shall make necessary arrangements for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable television, shall be placed underground as feasible.

Section 8.040. IMPROVEMENTS IN PARTITIONS. The same improvements may be required to be installed to serve each building site of a partition as are required of a subdivision.

Section 8.060 ACCEPTANCE OF IMPROVEMENTS. Improvements shall be considered for preliminary acceptance after inspection at the time the improvements are constructed. Final acceptance shall be considered by the County Engineer within one year after construction is completed.

Section 8.070. BUILDING PERMITS. No building permit shall be issued upon lots to be served by sanitary sewer and water service as improvements required pursuant to this ordinance unless such improvements are in place and serviceable. All improvements required pursuant to this ordinance and other applicable regulations shall be completed, in service and approved by the County Engineer prior to the sale and occupancy of any building unit erected upon a lot within the subdivision or partition. Prior to sale and occupancy, and as a condition of acceptance of improvements, the County Engineer may require a one-year maintenance surety bond in an amount not to exceed 10 percent of the value of all improvements to guarantee maintenance of said improvements for a period of not less than one year from the date of acceptance.

ARTICLE 9 IMPROVEMENT GUARANTEE

Section 9.010 AGREEMENT FOR IMPROVEMENTS. Prior to final approval of a subdivision plat or partition map, the applicant shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the Planning Department an agreement between himself and the County specifying the date on which required improvements and repairs shall be completed and providing that if the work is not completed within the period specified, the County may contract to have the work completed and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amounts from the applicant. The agreement shall also provide for reimbursement of the County for the cost of inspection.

Section 9.020. BOND

- (1) Type of Security. The applicant shall file with the improvement agreement, to assure his full performance thereof, one of the following:
 - a. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the County Counsel.
 - b. Cash.
- (2) Amount Required. Such assurance of full performance shall be for a sum approved by the County Engineer as sufficient to cover the cost of improvements and repairs, including related engineering and incidental expenses and to cover the cost of county inspection.
- (3) Default Status. If the applicant fails to carry out provisions of the agreement and the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds cost and expense incurred by the County, it shall release the remainder. If the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the applicant shall be liable to the County for the difference.
- (4) The bond shall not be released by the County until one year from the improvement completion date specified by the applicant.
- (5) The bond shall not be released by the County until County inspectors have inspected the improvements and approved them in writing.

ARTICLE 10. VARIANCES

Section 10.010 VARIANCE APPLICATION. The Hearings Officer may authorize area or use variances from the requirements of this ordinance. Application for a variance shall be made by petition stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the preliminary plan.

Section 10.020. ACTION OF HEARINGS OFFICER. The Hearings Officer shall consider the application for a variance at the same hearing at which he considers the preliminary plan. A variance may be granted unqualifiedly or may be granted subject to prescribed conditions, provided that the Hearings Officer shall make all of the following findings:

A. Area Variance.

- (1) That the literal application of the ordinance would create practical difficulties resulting in greater private expense than public benefit.
- (2) That the condition creating the difficulty is not general throughout the surrounding area but is unique to the applicant's site.
- (3) That the condition was not created by the applicant. A self-created difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased.
- (4) That the variance conforms to the comprehensive plan and the intent of the ordinance being varied.

B. Use Variance.

- (1) That the literal application of the ordinance would result in unnecessary hardship to the applicant. An unnecessary hardship will be found when the site cannot be put to any beneficial use under the terms of the applicable ordinance.
- (2) Each of the findings listed in subsections A(2), (3) and (4) of this section.

Section 10.030. HEARINGS OFFICER ACTION ON VARIANCE. In granting or denying a variance, the Hearings Officer shall make a written record of his findings and the facts in connection therewith, and shall describe the variance granted and the conditions designated. The Planning Department shall keep the findings on file, and a copy of the variance granted and the conditions thereof shall be recorded together with the final plat.

ARTICLE 11. ADMINISTRATION AND APPEALS.

Section 11.010 BASIS OF DISPOSITION. Approval or denial of an application for land development shall be based upon and accompanied by a statement explaining the criteria and standards considered relevant to the decision, stating the facts relied upon in rendering the decision, and explaining the justification for the decision based upon the criteria, standards and facts set forth.

Section 11.020. APPEALS.

- (1) A person, including a county agency may appeal a decision, or requirement made by the Hearings Officer as provided in County Ordinance PL-9. A person may appeal to the Hearings Officer from a decision or requirement made by the Planning Director, the Executive Committee on the Subdivision Review Committee.
- (2) Appeals will proceed according to the provisions of County Ordinance PL-9.
- (3) The Hearings Officer, Planning Commission or Board of County Commissioners may review a lower decision on its own motion, in accordance with the provisions of County Ordinance PL-9.

Section 11.070. PENALTIES. Violation of any provision of this ordinance is punishable upon conviction by a fine of not less than \$50.00 nor more than \$500.00, or imprisonment in the County Jail for not less than 25 days not more than 90 days, or both.

Section 11.080. VIOLATION DECLARED A NUISANCE. A land division or use in violation of this ordinance is hereby declared a nuisance.

Section 11.090. ENFORCEMENT. It shall be the responsibility of the Planning Director to notify the Board of County Commissioners of any violation of the ordinance and to sign any necessary complaints.

Section 11.110. COMPLIANCE WITH OREGON REAL ESTATE REGULATIONS. Prior to the sale of any lot within a subdivision, a final subdivision plat shall be approved and recorded and the subdivider shall file a "Notice of Intent" with the Oregon State Real Estate Division.

Section 11.120. CIVIL RELIEF. When any real property is or is proposed to be used, transferred, sold or disposed of in violation of this ordinance, the Board of County Commissioners or any person whose interest in the property is or may be affected by the violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or other appropriate proceedings to prevent,

temporarily or permanently enjoin, abate or set aside such use, transfer, sale, disposition, offer, negotiation or agreement.

Section 11.130. ADMINISTRATION OF ORDINANCE. It shall be the duty of the Planning Director or designated representatives and the Hearings Officer to administer the provisions of this ordinance in such a way as to carry out its intent and purpose.

Section 11.140. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The Board of County Commissioners of the County of Deschutes hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more of other sections, subsection, clauses or phrases be declared invalid or unconstitutional.

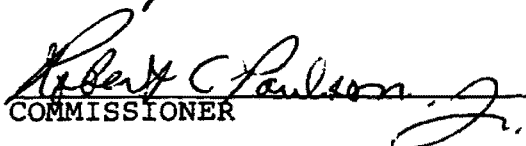
Section 11.150. AMENDMENT, REPEAL. This ordinance may be amended or repealed as provided by law. County Ordinances PL-2 and PL-7 and all amendments thereto are hereby repealed.

Section 11.160. CORRECTIONS. This ordinance may be corrected by order of the Board of County Commissioners to cure editorial and clerical errors.

Section 11.160. EMERGENCY CLAUSE. It being deemed by the Board of County Commissioners of the County of Deschutes that an emergency exists, this ordinance shall be in full force and effect from and after its adoption.

Adopted by the Board of County Commissioners of the County of Deschutes, State of Oregon, on this 1st day of November 1979.


CHAIRMAN


COMMISSIONER

COMMISSIONER

ATTEST:

County Clerk