

# MORROW COUNTY SUBDIVISION ORDINANCE

## I N D E X

ARTICLE 1 INTRODUCTORY PROVISIONS	2
ARTICLE 2 SUBDIVISION REQUIREMENTS AND SUBDIVISION REVIEW COMMITTEE	9
ARTICLE 3 TENTATIVE PLAN	11
ARTICLE 4 FINAL PLAT	17
ARTICLE 5 LAND PARTITIONING	26
ARTICLE 6 PLANNED UNIT DEVELOPMENT	34
ARTICLE 7 CREATION OF STREETS AND WAYS NOT PART OF A SUBDIVISION	45
ARTICLE 8 DESIGN STANDARDS	47
ARTICLE 9 IMPROVEMENTS	58
ARTICLE 10 IMPROVEMENT GUARANTEE	61
ARTICLE 11 VARIANCE AND EXCEPTIONS	62
ARTICLE 12 ADMINISTRATION, APPEALS	63

COUNTY ORDINANCE NO. MC-02-05 REPEALED AND REPLACED BY  
ORDINANCE NO. MC-04-05

MORROW COUNTY, OREGON

AN ORDINANCE PROVIDING SUBDIVISION, PARTITIONING, AND OTHER LAND DEVELOPMENT STANDARDS AND PROCEDURES WITHIN THE COUNTY OF MORROW, STATE OF OREGON.

THE COUNTY OF MORROW, OREGON, ORDAINS AS FOLLOWS:

**ARTICLE I.**

**SECTION 1.010 INTRODUCTORY PROVISIONS**

ORS Chapters 92 and 215 and this ordinance sets forth the minimum standards governing the approval of land development, including subdivision and partitionings, as necessary to carry out the County Comprehensive Plan and to promote the public health, safety and general welfare. The purpose of these provisions and regulations are to:

- A. Encourage well-planned subdivision and partition development to the end that good livable neighborhoods with all needed amenities and community facilities may be created.
- B. Encourage development in harmony with the natural environment and within resource carrying capacities.
- C. Safeguard the interest of the public, the applicant and the future lot owner.
- D. Improve land records and boundary monumentation.
- E. Ensure equitable processing of subdivision and partitioning plans, and accomplish to the greatest extent possible the goals and objectives of the Comprehensive Plan for Morrow County.
- F. Provide for orderly and efficient urban development, and to coordinate development with public facilities and service plans and capabilities.
- G. Provide for preservation of farm and forest lands, and the resource-based economy of the County.

No person may subdivide or partition land within Morrow County except in accordance with ORS Chapter 92 and the provisions of this ordinance.

**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 requirements deemed necessary to promote the health, safety and general welfare, and to carry out the Comprehensive Plan of the area. Where conditions set forth herein are less restrictive than comparative condition imposed by any other provision of this ordinance, by provisions of any other local ordinance, resolution or regulation, or by provisions of state statute or administrative regulation, the more restrictive shall govern.

**SECTION 1.030. REPEALER.** The following ordinance is applicable to said urban area, together with all amendments thereto, is hereby repealed: County Ordinance No. MC-05-02

**SECTION 1.040. REPEAL OF ORDINANCES AS AFFECTING EXISTING LIABILITIES.** The repeal of any ordinance by this ordinance shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such ordinance. 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 penalty, forfeiture, or liability, and for the purpose of authorizing the accusation, prosecution, conviction and punishment of a person or a part thereof prior to the effective date of this ordinance.

**SECTION 1.060. CONSTRUCTION AND TERMINOLOGY.**

A. 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” permissive; and the masculine word shall include the feminine and neuter.

B. Terminology. The word “County” shall mean the County of Morrow, State of Oregon. The words “Board of Commissioners” and “Board” shall mean the Board of Commissioners of Morrow County. The words “Planning Commission” and “Commission” shall mean the County Planning Commission of the County of Morrow duly appointed by the Board of Commissioners. The words “Planning Director”, “County Roadmaster”, “Assessor”, “County Sanitarian”, “County Surveyor”, “County Clerk”, and “Tax Collector” as applicable shall mean the Planning Director, Roadmaster, Sanitarian, Surveyor, County Clerk, Tax Collector, and Assessor of the County of Morrow, as applicable.

**SECTION 1.070. DEFINITIONS.** As used in this ordinance the following words and phrases shall mean:

A. Access. The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.

B. Access Management. The provision of improvements, signals, and/or the regulation of access to adjacent property while preserving the flow of traffic in terms of safety, capacity, and speed.

C. Accessway. A walkway that provides the pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses.

D. Bicycle Facilities. A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

E. Bikeways. Any road, path, or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other modes. The five types of bikeways are:

1. Multi-use path: A paved 10 to 12 foot wide way that is physically separated from motorized traffic; typically shared with pedestrians, skaters, and other non-motorized users.
2. Bike Lane: A 4 to 6 foot wide portion of the roadway that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
3. Shoulder Bikeway: The paved shoulder of a roadway that is 4 feet or wider, typically shared with pedestrians in rural areas.
4. Shared Roadway: A travel lane that is shared by bicyclists and motor vehicles.
5. Multi-use trails: An unpaved path that accommodates all-terrain bicycles, typically shared with pedestrians.

F. Block. An area of land within a subdivision which area may be entirely bounded on all sides by streets or highways (except alleyways), railroad right-of-way, unsubdivided land or water courses.

G. 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.

H. Contiguous Land. Parcels of land under the same ownership which abut each other.

I. Corner Clearance. The distance from an intersection of a public or private road to the nearest public or private access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

J. Cross-Section. A profile of the ground surface perpendicular to the center line of a street, stream, or valley bottom.

K. Developer. Means any person, corporation, partnership or other legal entity who creates or proposes to create a land development, and includes any agent of a developer so duly authorized.

L. Driveways. A private vehicle access way or point of entry from a public or private road.

M. Easement. A grant of the right to use a parcel of land for specific purposes, where ownership of the land is not transferred.

N. Fire Break. A break in the ground cover fuels as specified by the Fire Protection Agency involved or Commission.

O. Flood Hazard Area. The relatively flat area or low-lands adjoining the channel of a river stream or watercourse, or lake reservoir, which has been or may be covered by a Base Flood.

P. Frontage. All property fronting on one side of a street and measured along the street line, between intersecting and intercepting streets or between a street and right-of-way, waterway, end of a dead-end or city boundary.

Q. Functional Area (Intersection). That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.

R. Functional Classification. A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

S. Interest. Includes a lot or parcel, and a share, undivided interest or a membership which includes the right to occupy the land overnight, the lessee's 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 that term is defined in ORS Chapter 91 or any security interest under a land sales contract, trust deed or mortgage.

T. Joint Access. A driveway connecting two or more contiguous sites to the public street system.

U. Lot. A unit of land that is created by a subdivision of land, and is intended as a unit for disposition, transfer or ownership or interest, or for development.

1. Lot Area. The total horizontal net area within the lot lines of a lot to mean that square footage of a lot that is free from public and private road right-of-ways or easements.

2. Lot, Corner. A lot abutting on two or more streets, other than alleyways, at their intersection; provided the angle of intersection does not exceed 135 degrees.
3. Lot Depth. The average horizontal distance between the front and rear lot lines.
4. Lot, Flag. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way.
5. Lot Line. The property line bounding a lot.
6. Lot Line, Front. The lot line separating the lot from a street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.
7. Lot Line, Rear. The lot line which is 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.
8. Lot Line, Side. Any lot other than that of a front or rear lot line bounding a lot.
9. Lot, Through or Double Frontage. A lot having frontage on two parallel or approximately parallel streets other than alleys.
10. 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.

V. Municipal Water Supply System. A domestic water supply source and distribution system owned and operated by a city or a county or owned and operated by a special district or other public corporation which has independent tax levying powers to support the system.

W. Owner. The owner of the title to real property or the authorized agent thereof, or the contract purchaser of real property, of record as shown on the last available complete county tax assessment roll or county recorder's records.

X. Parcel. A unit of land that is created by partitioning land.

Y. Partition Land. To divide an area or tract of land into three or fewer 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 any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not reduced below the minimum lot size established by any applicable zoning ordinance. "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; "partition land" does not include divisions of land

resulting from lien foreclosures, foreclosure of recorded contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots.

Z. Partition Plat. A final diagram, drawing, or other writing concerning a partition.

AA. Pedestrian Facilities. A general term denoting improvements made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

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

CC. Plat. A final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision, partition, or replat.

DD. Right-of-Way. The area between the boundary lines of a street, road or other easement.

EE. Road or Street. A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, area or tracts of land, excluding a private way that is created to provide ingress or egress to such land for forestry, mining or agricultural purposes.

1. Alley. A narrow street through a block primarily for vehicular service access to the back or side properties abutting on another street.

2. Arterial. A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas, as identified in the County's Transportation System Plan.

3. Bicycle Route. A right-of-way for bicycle traffic.

4. Collector. A street supplementary to the arterial street and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties. Collector streets are identified in the County's Transportation System Plan

5. Cul-de-sac (dead end street). A short street having one end open to traffic and being terminated by a vehicle turn-around.

6. Half Street. A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

7. Marginal Access Street. A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

8. Local Street. A street intended primarily for access to abutting properties, and identified in the County's Transportation System Plan.

9. 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.

FF. Roadway. That portion of a street or road right-of-way developed for vehicular traffic.

GG. Rural/Commercial Activity Center. A Rural/Commercial Activity Center consists primarily of commercial or industrial uses providing goods and services to surrounding rural area or to persons traveling through the area, but also includes some dwellings.

HH. Subdivided Lands and Subdivision. Improved or unimproved land or lands 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 11 or more undivided interests or four or more interests. "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.

II. 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.

JJ. Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

KK. Walkway. A hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.

## **ARTICLE 2 SUBDIVISION REQUIREMENTS AND SUBDIVISION REVIEW COMMITTEE**

**SECTION 2.010. SCOPE OF REGULATION.** Before a plat of any subdivision or 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 for approval of the proposed subdivision or the proposed partition in accordance with the requirements and procedures established by this ordinance.

**SECTION 2.020. MINIMUM STANDARDS.** No proposed subdivision or partition shall be approved unless said subdivision or partition complies with the Comprehensive Plan for Morrow County and an affected city, the applicable zoning, and the requirements and standards set forth in this ordinance and ORS Chapter 92.

**SECTION 2.030. SUBDIVISION REVIEW COMMITTEE.** There is hereby established a Subdivision Review Committee to review all tentative subdivision and partition plans and make recommendations to the Planning Commission. The Committee shall consist of the following members as applicable to the County and an affected City.

- A. County Planning Director (who will be chairman)
- B. Affected City Representative
- C. County Surveyor
- D. County Roadmaster and affected City Street Supt.
- E. Police – County and affected City
- F. Fire Protection Representative
- G. County Extension Agent
- H. Public Utility Representative(s)
- I. Irrigation District Representative or Watermaster
- J. Affected School District Representative
- K. Oregon State Department of Transportation District 12 (optional and ex-officio)
- L. Postal Department (optional and ex-officio)
- M. Other State and Federal Agencies (optional and ex-officio)

**SECTION 2.040. DUTIES OF COMMITTEE.** It shall be the duty of the Committee to examine all tentative subdivision and partition plans and make recommendations to the Planning Commission.

**SECTION 2.050. SUBDIVISION CONFERENCE.** The Planning Director shall schedule a meeting with the Subdivision Review Committee and the subdivider or his authorized agent and surveyor.

**SECTION 2.060. COMMITTEE REVIEW FACTORS.** In review of proposed subdivisions and partitions, the committee shall consider the following factors:

- A. Preliminary plat requirements.
- B. Conformance to Zoning and Comprehensive Plan.
- C. Possible adverse effects on the development by natural hazards.
- D. Quantity and quality of existing or proposed water supply.
- E. Adequacy of the existing or proposed sewage disposal system to support the projected population.
- F. Adequacy of public services to serve the increase in population to be created by the development; including schools, police and fire protection, health facilities, highway and arterial and collector road networks, parks, etc.
- G. Possible conflicts with adjoining property.
- H. Protective covenants, deeds or restrictions.
- I. Conformance with policies and provisions of local and State regulations.
- J. Marketable title or other interest contracted.
- K. Agreement or by-laws to provide for management, construction, maintenance or services proposed.
- L. Effects of the subdivision for continuity of public services and access to adjoining lands.

### **ARTICLE 3. TENTATIVE PLAN**

**SECTION 3.010. APPLICATION SUBMISSION.** Any person proposing a subdivision, or his authorized agent or representative, shall include with an application for a subdivision 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, and shall submit 10 copies of said plan together with all required accompanying material to the Planning Department. A Tentative Plan for a subdivision shall be accompanied by an application for a subdivision as provided by the Planning Department, together with the appropriate filing fee, required supplemental material and subdivision application form, and thereof officially received by the Planning Department.

**SECTION 3.015. REVIEW FOR COMPLETENESS.** All applications shall be processed in accordance with Administrative Provisions set forth in the Morrow County Zoning Ordinance and applicable standards in this section. The Planning Department shall determine whether the application is complete and shall inform the applicant within 30 days of the application date whether additional information is required. The applicant has 180 days within which to submit the requested information or the applicant may, in writing, refuse to submit additional information, whereupon the application shall be considered complete for review. The Planning Department shall arrange for a meeting of the Subdivision Review Committee for review of the tentative plan when the application has been found to be complete.

**SECTION 3.020. REQUIRED FINDINGS FOR APPROVAL.** A Tentative Plan for a proposed subdivision shall not be approved unless it is found, in addition to other requirements and standards set forth in this ordinance, that the subdivision as proposed or modified will satisfy the intent of this ordinance relating to subdivision development, the intent and requirements of the applicable zoning regulations, will be in compliance with the Comprehensive Plan, and the standards set forth in this Article; such findings shall include the following:

- A. The subdivision is an effective, efficient and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan relative to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources such as natural vegetation, and special terrain feature.
- B. The subdivision will be compatible with the area surrounding the project site, and will not create an excessive demand on public facilities and services required to serve the development.
- C. That there will not be any adverse impact on natural resource quality and public service and facilities.

**SECTION 3.040. TENTATIVE PLAN REQUIRED.** The Tentative Plan for a subdivision shall be prepared and submitted in compliance with the provision 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 of 18 by 24 inches in size or a multiple thereof at a scale of one (1) inch equals 50 feet for subdivision up to 10 acre size, one (1) inch equals 100 feet for subdivisions up to 50 acre size, one (1) inch equals 200 feet for subdivision up to 100 acre in size, and for subdivision of more than 100 acres in size a scale not greater than one (1) inch equals 400 feet; or multiples thereof as approved by the Planning Department. The Tentative Plan must be of scale required by the County Surveyor.

**SECTION 3.060. INFORMATION REQUIREMENTS.** The following information shall be shown on the Tentative Subdivision Plan or provided in accompanying materials. No Tentative Plan submittal shall be considered “complete” unless all such information is provided.

A. General Information Required

1. Proposed name of the subdivision
2. Names, addresses and phone numbers of the owner of record and subdivider, authorized agents or representatives, surveyor, and any assumed business names filed or to be filed with the Corporation Commissioner by the owner or subdivider which will be used in connection with the subdivision.
3. Date of preparation, north point, scale and gross area of the proposed subdivision.
4. Appropriate identification of the drawing as a Tentative Plan for a subdivision.
5. 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.

B. Information Concerning Existing Conditions.

1. Location, names and widths of existing improved and unimproved streets and roads within and adjacent to the proposed subdivision.
2. Location of any existing features such as section lines, section corners, city and special district boundary lines and survey monuments.
3. Location of existing structures, irrigation canals and ditches, pipelines, waterways, and railroads, and natural features such as rock outcroppings, marshes, wooded areas and natural hazards.

4. Location and direction of watercourses, and the location of area subject to erosion, high water tables and flood hazards.
5. Location, width and use or purpose of any existing easement or right-of-way within and adjacent to the proposed subdivision.
6. Existing sewer lines, water mains, culverts, and underground and overhead utilities within and adjacent to the proposed subdivision, together with pipe sizes, grades and locations.
7. 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.

C. Information Concerning Proposed Subdivisions.

1. Location, names, width, typical improvements, cross sections, approximate grades, curve radii and length of all proposed streets, and the relationship to all existing and projected streets.
2. Location, width and purpose of all proposed easements or right-of-ways and relationship to all existing easements or right-of-ways.
3. Location of at least one temporary bench mark within proposed subdivision boundary.
4. Location, approximate area and dimension of each lot, and proposed lot and block numbers.
5. Location, approximate area and dimensions of any lot or area proposed for public use, the use proposed and plans for improvements or development thereof.
6. Proposed use, location, approximate area and dimensions of any lot which is intended for non-residential use.
7. An outline of the area proposed for partial recording of a final plat if phased development and recording is contemplated or proposed. If the proposed subdivision pertains to only a portion of the tract owned or controlled by the subdivider, the Planning Commission may require a tentative plan for streets and utilities in the unsubdivided portion.
8. Source, method, and preliminary plans for domestic and other water supplies, sewage disposal, solid waste disposal and all utilities.
9. Description and location of any proposed community facilities.

10. Storm water and other drainage facility plans.

11. Solar protection statement.

**SECTION 3.070. MASTER DEVELOPMENT PLAN.** An overall “Master Development Plan” shall be submitted for all developments of more than 100 lots or parcels or for all developments planning to utilize phase or unit development. The Master Development Plan shall include, but not be limited to, the following elements:

A. Overall development plan, including phase or unit sequences.

B. Schedule of improvements initiation and completion.

C. Overall transportation and traffic pattern Plan, including a Traffic Impact Analysis (TIA) completed by a certified engineer. If the property frontage includes a state highway, the TIA must meet ODOT Traffic Impact Study requirements.

D. Sales program timetable projection.

E. Development plans of any common elements or facilities.

F. Financing plan for all improvements.

G. If the proposed subdivision is determined to have a possible impact upon adjacent lands or lands within the general vicinity, the Planning Commission 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.

**SECTION 3.080. SUPPLEMENTAL INFORMATION REQUIRED.** The following information shall be submitted with the Tentative Plan for a subdivision. If such information cannot be shown practically on the Tentative Plan of a proposed subdivision, it shall be submitted on separate documents accompanying the plan at the time of filing.

A. Proposed deed restriction or protective covenants, if such is proposed to be utilized for the proposed subdivision.

B. Certified statement from each serving utility company proposed to serve the proposed subdivision as set forth in the Tentative Plan, and the conditions of such service shall be set forth.

C. Proposed fire protection system for the proposed subdivision and written review thereof by the appropriate serving fire protection agency.

D. 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. The required title report shall have been issued within the past 60 days.

E. Reasons and justifications for any variances requested to the provisions of this ordinance or any other applicable ordinance or regulation.

**SECTION 3.090. APPROVAL OF TENTATIVE SUBDIVISION PLAN.**

A. Tentative Plan Review. The Planning Official shall, within 45 days from the first regular Commission meeting following the determination that a Tentative Subdivision Plan is complete, review the Tentative Plan and all reports and recommendations of appropriate officials and agencies. The Commission may approve, modify, or disapprove the Tentative Plan for the proposed subdivision, and shall set forth Findings for said decision. The Planning Commission shall make its decision at a public hearing with notice and procedures as specified in Article 9 of the Development Ordinance.

B. Tentative Plan Approval. Approval or disapproval of the Tentative Plan by the Commission shall be final unless the decision is appealed to the Board of Commissioners. The Board of Commissioners may review the Planning Commission's decision on its own motion. Board of Commissioners review shall be conducted in accordance with Article 12 of this ordinance, and failure to do so within the required time limit shall be deemed to indicate acceptance of the Planning Commission's decision.

C. Tentative Plan Approval Relative to Final Plat. 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 preparation of the plat.

D. Commission Report. The decision of the Planning Commission shall be set forth in writing in a formal report and, in the case of approval, be noted on three copies of the Tentative Plan, including references to any attached documents describing conditions of approval. One copy of the appropriate material shall be sent to the subdivider, one copy sent to the affected city or the Board of Commissioners, and one copy shall be retained by the Planning Commission. Such action shall be completed within ten days of Commission decision.

**SECTION 3.100. SPECIFIC APPROVAL REQUIREMENTS.** In addition to the requirements set forth by the provision of this ordinance and applicable local and State regulations, specific requirements for preliminary plat approval are as follows:

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

platted the subdivision bearing that name. All plats must continue the Lot and Block numbers of the plat of the same name, last filed.

B. No Tentative Plan for a proposed subdivision shall be approved unless:

1. The streets and roads are laid out so as to conform to the plats of subdivisions and maps of partitions already approved for adjoining property as to width, improvements, general direction and in all other respects, unless the Planning Commission determines it is in the public interest to modify the street or road pattern.

2. Streets and roads to be held for private use are approved by the Commission and are clearly indicated to the Tentative Plan and all reservations or restrictions relating to such private streets and roads are set forth thereon; such as ownership and maintenance responsibilities.

3. The Tentative Plan complies with the Comprehensive Plan and zoning.

C. Approval or denial shall take into consideration the Subdivision Review Committees' recommendations and the factors listed in 2.060 of this ordinance.

D. A review and formal recommendation has been provided for by the affected city if located within the Urban Growth Boundary thereof, or as otherwise set for by the applicable Urban Growth Boundary management agreement.

**SECTION 3.110. RESUBMISSION OF DENIED TENTATIVE PLANS.** If the Tentative Plan for a subdivision is denied, resubmittal thereof shall not be accepted by the County for a period of six months after the date of the final action denying said plan. Re-submission shall require the applicant to consider all items for which the prior denial was based, and the resubmission shall be accompanied by a new filing fee.

## **ARTICLE 4. FINAL PLAT**

### **SECTION 4.010. SUBMISSION OF FINAL PLAT.**

A. Filing Time Period Requirements. Within twelve (12) months after the date of approval of the Tentative Plan for a subdivision, the subdivider shall prepare and submit a final plat that is in conformance with the Tentative Plan as approved. The subdivider shall submit the original drawing, five prints, and any supplementary information required by the decision and this ordinance. If the subdivider fails to proceed with the subdivision before the expiration of the twelve (12) month period following the approval of the Tentative Plan, the plan approval shall be declared void and the subdivider must submit a new plan together with the appropriate filing fee if he wishes to proceed with the development.

B. Time Period Extension. Upon submittal of a formal request for a time extension and justification therefor by the subdivider, a 90-day extension to the twelve (12) month time period set forth in Section 4.010 (1) of this ordinance may be granted.

**SECTION 4.020. FORM OF FINAL PLAT.** The final plat shall be submitted in the form prescribed by the State Statute and this ordinance.

A. All plats subdividing any tracts of land in the County, and dedications of streets or roads or public parks and squares and other writings made part of such plats offered for record shall be made in black India ink, upon material that is 18 inches by 24 inches in size, that is suitable for binding and copying purposes, and that has such characteristics of strength and permanency as may be required by the County. The plat shall be of such a scale, and the lettering 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. Plat text should be a minimum of 0.08". The plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for plats placed upon two or more sheets.

### **SECTION 4.030. REQUIREMENTS OF SURVEY AND PLAT OF SUBDIVISION.**

No subdivider shall submit a plat of a subdivision for record, until all the requirements for the survey and the plat of the subdivision have been met.

A. The survey for the plat of the subdivision or partition shall be done in a manner to achieve sufficient accuracy that measurements may be taken between monuments within one-tenth of a foot or one-ten-thousandth of the distance shown on the subdivision or partition plat, whichever is greater.

B. The survey and plat of the subdivision shall be made by a surveyor who is a licensed land surveyor in the State of Oregon.

C. The plat of a subdivision shall be of such scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon, as approved

by the County Surveyor. Each lot shall be numbered. All subdivision plats must continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters. The length of all boundaries of each lot shall be shown, each street shall be named.

D. The locations of descriptions of all monuments shall be clearly recorded upon all plats and the proper course and distances of all boundary lines shall be shown.

#### **SECTION 4.040. MONUMENTATION REQUIREMENTS.**

A. The initial point of all subdivision plats shall be marked with a monument conforming to the following specifications. This monument shall be an iron/steel rod or a galvanized iron pipe, consistent with ORS 92.060. 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 number of the registered land surveyor, establishing same, clearly marked with steel dyes on the brass cap. The location of the monument shall be noted with reference to a known corner established by the United States survey.

B. 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 galvanized iron pipe, or iron or steel rods.

C. 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 steel rods not less than five-eighths inch in least dimension and two feet long.

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

E. All monuments for the exterior boundaries of a subdivision 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 by the county and for recording. However, interior monuments for the subdivision need not be set prior to the approval and recording of the plat of the subdivision if the engineer or land surveyor performing the survey work certifies that the interior monuments will be set on or before a specified date as provided in Subsection (2) of Section 4.050 of this ordinance.

#### **SECTION 4.050. MARKING INTERIOR MONUMENTS AFTER RECORDING.**

A. If the interior monuments for a subdivision are to be marked on or before a specified date after the approval and recording of the plat of the subdivision, the person subdividing the land shall furnish, prior to approval and recording of the plat, to the

governing body of the county, a bond or cash deposit in an amount equal to 110 percent of the estimated cost of performing the work for the interior monumentation.

B. If the person subdividing any land within the county has complied with subsection A of this Section, the surveyor may prepare the plat of the monuments referenced thereof as submitted for recording. There shall be attached to any such plat the affidavit of the surveyor that the interior monuments for the subdivision will be marked on or before a specified date in accordance with Section 4.040 of this ordinance and applicable State Statutes and referenced on the plat for the subdivision as approved by the county.

C. After the interior monuments for a subdivision have been marked as provided in an affidavit submitted under subsection B of this Section, the surveyor performing such work shall:

1. Within five days after completion of such work, notify the person subdividing the land involved in the County; and

2. Upon approval of the work under ORS 92.100 by the county surveyor, submit an affidavit for recording stating that the subdivision plat has been correctly surveyed and marked with proper monuments at the remaining corners of the subdivisions as noted on the original subdivision plat. Any monument that cannot be set shall be separately noted and a reference monument shall be set. The affidavit shall be approved by the county surveyor before recording. The surveyor who prepared the affidavit shall cause the affidavit to be recorded in the office of the county recorder where the subdivision plat is recorded. The county clerk shall promptly provide a recorded copy of the affidavit to the county surveyor. The county surveyor shall note the monuments set and the recorder's information on the county surveyor's copy of the subdivision plat and any exact copies filed in accordance with ORS 92.120 (3). The original plat may not be corrected or changed after it is recorded with the county clerk.

D. At the time the person subdividing the land described in subsection (1) of this Section pays the surveyor for performing the interior monumentation work and notifies the county of such payment, the county, within three months after such notice, shall release the bond or return the cash deposit upon finding that such payment has been made.

**SECTION 4.060. 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.

A. Survey Reference. Reference points of existing surveys identified, related to the plat by distances and bearing and referenced to a filed book or map as follows:

1. Stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision.

2. Adjoining corners of adjoining subdivision.

3. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of the ordinance.

B. Boundary Street. The exact location and width of the street easements intercepting the boundary of the tract.

C. Boundary Lines. Tract, block, and lot boundary lines and street right-of-way and center lines, with dimensions, bearings, or deflection angles, water lines for any creek or other body of water. Tract boundaries and street bearings shall be shown to the nearest second with basis of bearings. Distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

D. Streets. The width of the portion of streets being dedicated and with the width of existing right-of-way. For streets on curvature, 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.

E. Easements. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located 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 map, it shall be properly referenced in the owner's certificates of dedications.

F. Lot Numbers. Lot numbers beginning with the number "1" and numbered consecutively.

G. Public Lands. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots intended for sale.

H. Certificates. The following certificates are required and shall be combined where appropriate:

1. A certificate signed and acknowledged as above, all parties having record title interest in the land consenting to the preparation and recording of the plat.

2. A certificate signed and acknowledged as above, dedicating all land intended for public use, except land which is intended for the exclusive use of lot owners in the subdivision, their licenses, visitors, tenants and servants.

3. A certificate with the seal of and signed by the surveyor responsible for the survey and final map.

4. A certificate for execution by the affected City Public Works Superintendent or other City Representative and/or County Roadmaster.

5. A certificate for the execution by the County Planning Director.
6. A certificate for execution by the County Tax Collector.
7. A certificate for execution by the County Assessor.
8. A certificate for execution by the Irrigation District where applicable.
9. A certificate for approval for execution by the Board of Commissioners.
10. 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 endorsed thereon by the board before approval of such plan, plat, or replat of any subdivision by the governing body of the county. Except, that if a subdivider is unable to obtain action or approval of any district or company within 45 days, the subdivider shall notify the governing body in writing and thereafter the governing body shall serve notice on that district or company by certified mail advising the district or company that any objections to the plan, plat, or replat must be filed with the governing body in writing within 20 days and failure of the district or company to respond shall be considered by the governing body as approval of such plan, plat or replat and the governing body shall endorse, act and the body may thereafter approve such plan, plat or replat without the approval of such district or company endorsed thereon.

I. Other certificates required by State regulations.

**SECTION 4.070. SUPPLEMENTAL INFORMATION WITH PLAT.** The following data shall accompany the plat:

- A. Title Report. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their evidence of a clear and marketable title. The report shall have been issued within the last 60 days.
- B. Survey Data Sheets. Sheets and drawings showing the following:
  1. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners, and showing the error of closure, if any. A survey control work sheet may be substituted for this item.
  2. The computation of distances, angles and courses shown of the plat.
  3. Ties to existing monuments, proposed monuments, adjacent subdivision, street corners and state highway stationing.

C. Deed Restrictions. A copy of any deed restrictions applicable to the subdivision.

D. Homeowner's Association. A copy of any homeowner's association agreements proposed or required for the subdivision.

E. Dedications. A copy of any dedication requiring separate documents, specific reference to parks, playgrounds, etc.

F. Taxes. A list of all taxes and assessments on the tract which have become a lien on the tract.

G. Board of Commissioners Certificate. A certificate by the Board of Commissioners that the subdivider has complied with requirements of Section 8.010 and 8.020 on improvement guarantee.

H. Improvement. If grading, and/or street improvements, and/or sewer, and/or water facilities are required as the conditions of approval of the final plat, the following shall be required to be submitted with the final plat:

1. Cross sections of the proposed streets, showing width of roadways, types of surfacing, curb locations, width and location of sidewalks.
2. Plans and profiles of proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
3. Plans and profiles of proposed water distribution system showing pipe sizes and location of valves and fire hydrants.
4. Specification for the construction of all proposed utilities.
5. Evidence of approved site suitability for onsite septic treatment systems on undeveloped parcels proposed to be smaller than 4 acres.
6. Grading plans and specifications as required for areas other than streets and ways.
7. Planting plans and specifications for street trees and other plantings in public area.

I. Access Permits. Where access is to be a county road or state highway the necessary access permits shall be obtained prior to final plat review.

#### **SECTION 4.080. TECHNICAL PLAT REVIEW.**

A. Ordinance Check. Upon receipt by the Planning Department, the plat and other data shall be reviewed by the County Surveyor, affected City Public Works Superintendent, County Roadmaster, and the County Planning Director who shall examine them to

determine that the subdivision as shown is substantially the same as it appeared on the approved tentative plan, and there has been compliance with provisions of the law of this ordinance.

B. Field Check. The County Roadmaster, County Surveyor, County Planning Director and affected City Public Works Superintendent may make such checks in the field as are desirable to verify that the map is sufficiently correct on the ground and the Roadmaster or Superintendent or representative thereof may enter the property for this purpose.

C. Corrections. If the County Roadmaster, County Surveyor, affected City Public Works Superintendent and County Planning Director determine that full conformity has not been made, the subdivider shall be advised thereby of the changes or additions that must be made and the subdivider shall be afforded a reasonable opportunity to make the changes or additions.

#### **SECTION 4.090. APPROVAL OF THE FINAL PLAT.**

A. If the Planning Director does not approve the plat, it shall advise the subdivider of the changes or additions that must be made and shall afford him an opportunity to make corrections. If the Planning Director determines that the plat conforms to all requirements it shall give its approval, provided supplemental documents and provision for required improvements are satisfactory. Approval shall be indicated by the signature of the Planning Director. The Planning Director may refer any final plat to the Planning Commission for review, if the final plat does not substantially conform to the approved tentative plan or if any other conditions warrant review. Approval of the plat does not constitute or affect 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 Commissioners.

B. No plat of a proposed subdivision shall be approved unless:

1. Streets and roads for public use are to be dedicated without any reservation nor restriction other than reversionary right upon vacation or restriction other than reversionary right upon vacation of any such street or road and easement for public utilities.
2. Streets and roads held for private use and indicated on the tentative plan of such subdivision have been approved by the county.
3. The plat or map contains provision for the dedication to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems; the dedication of which was made a condition of the approval of the tentative plan for the subdivision or the partition.

4. Explanation of all common improvements required as conditions of approval of the tentative plan of the subdivision will be recorded and referenced on the final plat or map.

C. No plat of a subdivision shall be approved by the county unless the county has received and accepted:

1. A certification by a municipally-owned domestic water supply system or by the owner of a privately owned domestic water supply system, subject to regulation by the Public Utility Commissioner of Oregon, that water will be available to the lot line of each and every lot depicted in the proposed plat; or

2. A bond, contract, or other assurance by the subdivider to the county that a domestic water supply system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted in the proposed plat; and the amount of any such bond, contract or other assurance by the subdivider shall be determined by a registered professional engineer, subject to any change in such amount as determined necessary by the county; or

3. In lieu of paragraphs 1 and 2 of this subsection, a statement that no domestic water supply facility will be provided to the purchaser of any lot depicted in the proposed plat, even though a domestic water supply source may exist. A copy of any such statement, signed by the subdivider and endorsed by the county, shall be filed by the subdivider with the final plat.

D. No plat of a subdivision shall be approved by the county unless the county has received and accepted:

1. A certification by a municipally-owned sewage disposal system or by the owner of a privately owned sewage disposal 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

2. A bond, contract or other assurance by the subdivider to the county that a sewage disposal system will be installed by or on behalf of the subdivider to the lot line of each and every lot depicted on the proposed plat; and the amount of such bond, contract or other assurance shall be determined by a registered professional engineer, subject to any change in such amount as the county considers necessary; or

3. In lieu of paragraphs (1) and (2) of this subsection, a statement that no sewage disposal facility will be provided to the purchaser of any lot depicted in the proposed plat, where the Department of Environmental Quality has approved the proposed method on an individual lot-by-lot basis or an alternative method of sewage disposal. A copy of any such statement, signed by the subdivider and endorsed by the county shall be filed by the subdivider with the final plat. The subdivider shall deliver a copy of the statement to each prospective purchaser of a lot in the subdivision at or

prior to the signing by the purchaser of the first written agreement for the sale of the lot. The subdivider shall take a signed receipt from the purchaser upon delivery of such a statement.

G. No plat of a subdivision shall be approved by the county unless the county has received and accepted:

1. A final plat which is in compliance with the tentative plan approval and all conditions thereof.
2. A certification that all required and proposed improvements and repairs to existing public facilities damaged in the development have been completed or a proposed bond, contract or other assurance by the county and/or county District Attorney specifying the period within which required improvements and repairs shall be completed.
3. The plate complies with the county and affected City Comprehensive Plan and with any applicable zoning regulations and any ordinance or regulation applicable to the proposed subdivision or improvement thereof that are then in effect in the county.

**SECTION 4.100. FINAL PLAT APPROVAL.** Final Plat approval shall be subject to approval of the County Surveyor and be consistent with methods discussed in ORS 92.

**SECTION 4.110. RECORDING OF PLAT.** A subdivider shall, without delay, submit the plat for signatures of other public officials required by law. Approval of the plat shall be null and void if the plat is not recorded within 45 days after the date of approval of the governing body has been obtained. After obtaining all required approvals and signatures, the subdivider shall file the plat and an exact copy thereof in the County Clerk's office and the affected City Recorder's office.

A. 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, have been paid which have become a lien upon the subdivision or which will become a lien during the calendar year.

B. At the time of filing such plat, the person offering it for filing shall also file with the County Recording officer, an exact copy thereof, made with black India ink or photocopy upon good quality of linen tracing cloth or any other suitable drafting material having the same or better 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 filed with the County Recording officer 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 subdivider shall provide, without cost, prints from such copy to the County Assessor, affected City Recorder and County Planning Department.

## **ARTICLE 5. LAND PARTITIONING**

**SECTION 5.010. APPLICABILITY OF REGULATIONS.** All land partitioning within the County must be approved by the County Planning Commission, County Planning Director, and/or a designated official thereof. Said approvals will be granted in accordance with the provisions of this ordinance and more particularly this Article.

**SECTION 5.020. APPLICATION PROCEDURES AND REQUIREMENTS.** Any persons proposing a land partitioning, or his authorized agent or representative, will prepare and submit a copy of the Tentative Plan for the proposed partitioning together with an application for partitioning and the appropriate filing fee to the Planning Department in accordance with Administrative Provisions set forth in the Morrow County Zoning Ordinance, except as set forth in this Article. The Tentative Plan for partitioning, when submitted, will include the following:

1. A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways and adjoining land use and ownership patterns.
2. A plan of the proposed partitioning showing tract boundaries and dimensions, the area of each tract or parcel and the names, right-of-way widths, and improvement standards of existing roads.
3. Names and addresses of the land owner, the partitioner, a mortgagee if applicable, and the land surveyor employed or to be employed to make necessary surveys and prepare the Final Plat.
4. A statement regarding contemplated water supply, sewage disposal, solid waste disposal, fire protection, access, etc.
5. North point, scale and date of map, and property by tax lot, section, township and range.
6. Statement regarding the current use of the property and the purpose for which the parcels may be used in the future.
7. 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. The report shall have been issued within the 60 days previous to the submittal for approval.

The Preliminary Plat may reveal the boundaries of the property to be other than thought to be correct by the landowner. An applicant is encouraged to have a Boundary Survey performed prior to submittal of the application and tentative plan.

**SECTION 5.030. REQUIREMENTS FOR APPROVAL.** No application for partitioning will be approved unless the following requirements are met:

1. Proposal is in compliance with ORS 92 and the County and affected City Comprehensive Plans and applicable Zoning.
2. Each parcel is suited for the use intended or offered; including, but not limited to, size of the parcels, topography, sewage disposal approval and guaranteed access. Proof of access must show that each parcel has an easement sufficient for continued ingress and egress to a public, county or state highway or has a deeded access way.
3. All required public service and facilities are available and adequate.
4. Proposal will not have any identifiable adverse impacts on adjoining or area land uses, public services and facilities, and natural resource carrying capacities.
5. An approved water rights diversion plan as applicable.
6. Flag lots will not be permitted when the results would be to increase the number of properties requiring direct and individual access from a State Highway or other arterial. Flag lots may be permitted to achieve planning objectives under the following conditions:
  - a. When flag lot driveways are separated by at least twice the minimum frontage distance.
  - b. The driveway must meet driveway standards described in Article 8, Section 8.020.V.
  - c. The lot meets the minimum lot area of the zoning district, without including the driveway.
  - d. Only one flag lot will be permitted per private right-of-way or access easement.
7. The depth of any lot will not be restricted as long as a buildable parcel is proposed.
8. An application for partitioning will be denied when it can be shown that 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 creating more than three (3) parcels without subdividing. If the Planning Director determines that the proposed partition constitutes series partitioning, or if series partitioning has occurred in the past, then the Planning Director may require the application be subject to the requirements for a subdivision or Planned Unit Development.
9. In addition to the requirements set forth above, the following factors may be considered for approval or disapproval of an application for land partitioning if a geographical or other factor identified by other, appropriate professionals or Plans such as the requirements of the Comprehensive Plan, FEMA requirements, Byways rules, etc., requires it:
  - a. Placement and availability of utilities.
  - b. Safety from fire, flood and other natural hazards.

- c. The same improvements may be required for a partitioning as required of a subdivision, if required it will be installed by the applicant.
- d. Possible effects on natural, scenic and historical resources.
- e. Need for onsite or offsite improvements.
- f. Need for additional setback, screening, landscaping and other requirements relative to the protection of adjoining and area land uses. If the proposed partition is located within an Urban Growth Boundary, the affected city must be given notice according to the respective Joint Management Agreement.
- g. In the approval of a land partition, the need for street and other improvements will be considered and may be required as a Condition of Approval at a different standard than for a subdivision.

**SECTION 5.065 PRELIMINARY PLAT REQUIREMENTS.**

Following approval of the Tentative Plan for a proposed partitioning, the person proposing partitioning will have prepared three copies of the preliminary plat map for the subject partitioning to be submitted to the Assessor’s Office, County Surveyor and to the Planning Department. The Preliminary Plat will be prepared by a licensed Oregon land surveyor and comply with all requirements of ORS Chapter 92 or as defined in this Article. The Preliminary Plat will be drawn to meet the same requirements of the Final Plat Map described in Section 5.070.

The following data shall accompany the preliminary plat:

- A. 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. The title report shall have been issued within the 60 days prior to submittal of the preliminary plat.

**SECTION 5.070. FINAL PLAT MAP FOR PARTITIONING.** The Final Partition Plat will be completed within two years from the date of the approval or the approval of the partitioning will expire and said approval will be declared null and void. A one-year extension may be granted when a written request is made prior to the expiration of the permit with stated reasons for the request for which the applicant was not responsible. Five (5) copies of the Final Plat map will be submitted to the County for approval. The said five copies will be circulated for approval and signature in the following order: County Surveyor, Planning Director, County Assessor, and the original recorded in the office of the County Clerk. Copies of said final map will be provided by the partitioner without cost to the County Assessor, County Surveyor and County Planning Director. Two copies of the Final Plat map will be of approved reproducible material as required by ORS 92.080. Once recorded the copies will be distributed as follows: (1) approved reproducible to the County Clerk; (1) approved reproducible to the County Surveyor; one each paper copy to the Planning Director and the Assessor; and the final paper copy to be returned to the surveyor.

- 1. Final Plat Map Requirements:
  - a. All plats partitioning any tracts of land in the County shall be made in black India ink, will be drawn to an appropriate scale on a sheet 18” by 24” and as

required by ORS 92.080 or the County Surveyor. The Plat will be of a scale and lettering size as required by the County Surveyor so that all details may be clearly and legibly shown.

- b. Name of owner, developer, and land surveyor will be shown on the map.
  - 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 will be to the nearest second and distances to the nearest 0.01 feet. The area of each parcel will be shown.
  - e. An affidavit by the land surveyor involved in the partitioning certifying that all parcels have been surveyed and monumented as required for lots within a partition.
  - f. A certification of any public dedication.
  - g. A certification of approval for execution by the County Planning Director.
  - h. When a partition would create parcels greater than ten acres or when not required by the Morrow County Subdivision Ordinance, the partition need not be surveyed or monumented, but must be platted using the best available information. The approximate acreage of each unsurveyed parcel will be shown and any unsurveyed parcel will have the words “UNSURVEYED” placed in bold letters adjacent to the parcel number. Unsurveyed parcels need not comply with ORS 92.050(5), (7), and (8).
2. Approval Requirements. No final map for land partitioning will be approved by the Planning Director unless all of the following requirements are met:
- a. The final map is in strict conformance with the Tentative Plan as approved and conditions thereof have been met or guaranteed.
  - b. The final map is in strict conformance with the requirements set forth in Subsection A of this Section or as otherwise approved by the Commission or as otherwise set forth in the Article.
  - 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. A guarantee of all proposed or required improvements has been submitted and approved or such improvements completed and approved as set forth by the Commission.
3. No partition will be recorded unless all taxes, interest and penalties imposed on land disqualified for any special assessment and all special assessments, fees, or other charges required by law have been paid.

**SECTION 5.075. REPLATTING.** A reconfiguration of a recorded subdivision or partition plat or a change in the number of lots in the subdivision or partition may be approved as defined in ORS 92.180. Replat applications will be processed as and meet the requirements of either a partition or subdivision as appropriate based on the definitions in ORS 92.010. Replats will act to vacate the platted lots or parcels and easements within the replat area with the following conditions:

1. A replat will apply only to a recorded plat.
2. Notice shall be provided when the replat is replatting all of an undeveloped subdivision as defined in ORS 92.225.
3. Notice shall be provided to the owners of property adjacent to the exterior boundaries of the tentative subdivision or partition replat.
4. When a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation under this section must notify the Planning Department in writing within 14 days of the mailing or other service of the notice.
5. A replat will not serve to vacate any public street or road.
6. A replat will comply with all subdivision or partition provisions of this Article and all applicable Ordinances.

**SECTION 5.080. APPEAL PROCEDURE.** An appeal of a decision or requirement of the Planning Commission or the Planning Official relative to a land partitioning will be made in accordance with the provisions of Article 12 of this Ordinance.

**SECTION 5.090. PROPERTY LINE ADJUSTMENT REGULATIONS.**

Definition: A property line adjustment is an adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance. ORS 92.010(7)(b).

**APPLICABILITY AND PURPOSE:**

All property line adjustments within the County must be approved by the Planning Director. Said approvals will be granted in accordance with the provisions of State Statute, this Ordinance and more particularly this Article. The purpose of this Section is to provide the basis to review property line adjustments.

**APPLICATION PROCEDURE AND REQUIREMENTS:**

Applications for a property line adjustment will be required to provide a site plan which shows all of the property line dimensions and the area and dimensions to be added or reduced from each property. A survey will be filed with the County Surveyor. New or corrected Deeds which describe the adjusted configuration will be recorded in the Morrow County Deed Records. No property line adjustment may cause a new lot or parcel to be created. A property line adjustment deed will contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgement.

The application will be evaluated by an Interdepartmental Review process whereby the Planning Director, Assessor, and County Surveyor will approve the application prior to final approval.

**REQUIREMENTS FOR APPROVAL:**

1. The property line adjustment will not create any additional units of land.
2. A property line adjustment will not create a unit of land which has been reduced to less than the minimum lot size for the applicable zone.
3. The property line adjustment will not eliminate access for any of the properties unless an alternative access has been provided and approved.
4. The property line adjustment will not cause an undeveloped property to become ineligible for a septic system or to maintain water supply.
5. The revised line must not result in a violation of structural setback requirements of the applicable zone.
6. Notification will be given to an irrigation district, drainage district, water control district, water improvement district or district improvement company that lies within the boundaries of a property line adjustment. The applicant must comply with any requirements of the affected district, if any.

**SECTION 5.094. ADDITIONAL APPLICATION TYPES:**

Split Zoning: Property line adjustments may be permitted across a zoning designation boundary to create a split-zoned property if:

1. The adjusted properties lie entirely outside of an urban growth boundary and outside of an incorporated city; and;
2. Each parcel is consistent with the minimum parcel size of the applicable zoning area.

Combinations: Approval for a combination of properties is made by the County Assessor. No survey is required but the combination requires a letter of approval by the Planning Director, or designee, stating the possible land use implications of the combination.

**SECTION 5.100. PARTITIONING FOR FINANCIAL PURPOSES.**

1. Upon approval by the Planning Director, a special permit authorizing the creation of a security interest or leasehold in a parcel of land will be granted.
2. Permits issued under the authority of this section will be subject to the following limitations and restrictions:
  - a. A parcel possessed by a person under the terms of a lease or a security interest, and the remaining parcels, must remain in the legal use that the parcels were at the time the interest become possessory; except the parcel(s)

may be put into agricultural use; but in no case may an additional structure or security interest be added to any parcel by the authority of the permit authorized in Subsection (1) of this Section. To establish uses other than agriculture or to erect structures not a part of the security interest, including farm accessory structures, the owner of the parcel must secure a land partitioning approval as required by this Ordinance and this Article.

- b. The permit authorized in Subsection A of this Section will be valid for the time of the lease or the life of the security interest. When there is a default and foreclosure, the permit will only be valid until a land partitioning permit is granted or the parcels are once again rejoined as a contiguous unit of land.
  - c. At the end of the life of the security interest, if there is no default or foreclosure, or in the case of leaseholds at the end of the lease, the parcels will be rejoined into a contiguous unit of land and combined into a single tax lot. The owner of the property will 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.
  - d. The application will be evaluated in an Interdepartmental Review process whereby the Planning Director, Assessor, and County Surveyor will review the application prior to final approval.
3. No permit may be issued under this section until the applicant, the owners of the subject property, and the holder of the security or lease interest sign a statement indicating that all parties understand the limits being placed upon the permit. This statement will be recorded against the deed to the property.
  4. The permit issued under this section will 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.
  5. The partitioning permit authorized by this section will only be granted 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 ordinances or regulations or State Statute and administrative rules adopted pursuant thereto.
    - b. The partitioning will not result in the need for additional roads or other access.
    - c. A partition map approved by the Planning Director is provided. A survey may be required.
    - d. The partition will not result in the need for additional public improvements or services.

#### **SECTION 5.120. LAND PARTITIONING IN THE EXCLUSIVE FARM USE ZONE**

Within the Exclusive Farm Use Zone, partitions must provide for the continuation of the existing commercial agricultural enterprises within the area as well as meet the minimum lot requirement. All land partitions in the Exclusive Farm Use Zone must comply with the standards set forth in Section 3.010 of the Morrow County Zoning Ordinance.

**SECTION 5.140 JUDICIAL AND OTHER ILLEGAL PARTITIONS:**

Land partitions authorized by Circuit Court settlements which are not part of a foreclosure, are not exempt from this Ordinance nor from ORS 92 requirements. When a Court decision has been granted authorizing a land partition, it is the landowners' responsibility to follow the procedures outlined in this Ordinance. Any action which has the effect of dividing property into new lots or parcels without the property owners obtaining the required County approval will result in those affected properties becoming undevelopable.

**SECTION 5.150. PARCEL SIZE EXCEPTIONS.**

Whereas land sections in the County are commonly affected by survey adjustment, requirements relative to parcel sizes will be considered as standard metes and bounds land section divisions; i.e. 160, 80, 40, 20, etc.; parcel sizes may, therefore, be reasonably smaller or larger than set forth by regulation if an acreage change is due to a survey adjustment. When a parcel to be created would be, because of a survey adjustment, 10 percent or less deviation from a minimum parcel or lot size, the deviation will be considered an exception and meet the minimum lot size requirement. In this instance, an Area or Minor Variance would not be necessary as described in Article 7.

## **ARTICLE 6. PLANNED UNIT DEVELOPMENT**

**SECTION 6.010. AUTHORIZATION.** When a Planned Unit Development has been authorized pursuant to applicable zoning regulations, such a development may be approved by the county in accordance with the provisions of this article and this ordinance.

**SECTION 6.020. APPLICABILITY OF REGULATIONS.** The requirements for a planned unit development set forth in this article are in addition to the requirements set forth for a standard subdivision in this ordinance.

### **SECTION 6.030. PURPOSE FOR PLANNED UNIT DEVELOPMENT**

**REGULATIONS.** The planned unit development authorization serves to encourage developing as one project tracts of land that are sufficiently large to allow a site design for a group of structures. Deviation from specific site development standards is allowable as long as the general purposes for the standards are achieved and the general provisions of this ordinance and applicable zoning regulations are observed. The planned unit development approach is appropriate if it maintains compatibility with the surrounding area and creates and attractive, healthful, efficient and stable environment. It should either promote a harmonious variety or grouping of uses, or utilize the economy of shared services and facilities. It is further the purpose of authorizing planned unit development to take into account the following:

- A. Advances in technology and design.
- B. Recognition and resolution of problems created by increasing population density.
- C. A comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placements and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.
- D. The potential site characterized by special or limiting features of geography, topography, size or shape, natural or historic resources.
- E. The height and bulk characteristics of buildings can vary as long as the ratio of site area to dwelling units and openness of the site will be in harmony with the area in which the proposed development is located.
- F. Provision of housing and related land uses at maximum economic efficiency for the community, buyer and seller.
- G. Provision of a living environment with aesthetic qualities, common open space and recreation areas, and energy efficient access to needed services and facilities.

**SECTION 6.040. REQUIRED FINDINGS FOR APPROVAL.** The county shall approve a planned unit development only if it finds that the planned unit development will

satisfy the intent of this ordinance relating to standard subdivision development, the intent of applicable zoning regulations and the standards of this article, including the following:

A. The planned unit development is an effective and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan and making appropriate provisions for the reservation of natural features such as natural vegetation and special terrain features.

B. The planned unit development will be compatible with the area surrounding the project site and with no greater demand on public facilities and services than other authorized uses for the land.

**SECTION 6.050. PLANNED UNIT DEVELOPMENT SITE SIZE.** No PUDs or subdivisions for nonfarm or nonforest purposes shall be allowed on land zoned EFU and FU unless an exception is taken to the applicable resource goal under the Statewide Planning Goals. Any such development that creates new urban development or rural land an exception to Statewide Planning Goals 11 and 14 shall be required. Consistent with OAR 660, Division 14.

**SECTION 6.060. DIMENSIONAL AND BULK STANDARDS.**

A. The minimum lot area, width, frontage and yard requirements otherwise applying to individual buildings in the zone in which a planned unit development is proposed do not apply within a planned unit development.

B. If the spacing between main buildings is not equivalent to the spacing which would be required between buildings similarly developed under this ordinance and applicable zoning on separate parcels, other design features shall provide light ventilation and other characteristics equivalent to that obtained from the spacing standards.

C. Buildings, off-street parking and loading facilities, open space, landscaping and screening shall provide protection outside the boundary lines of the development comparable to that otherwise required of development in the applicable zone.

D. The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the planned unit development is proposed except that greater height may be approved if surrounding open space within the planned unit development, building setbacks and other design features are used to avoid any adverse impact due to the greater height on other uses within and outside the development and on any solar energy collection systems.

E. The building coverage for any planned unit development shall not exceed 40 percent of the land area being developed exclusive of public and private streets.

F. Common open space and other such amenities, exclusive of streets, shall constitute at least 30% of the total land area of the development.

**SECTION 6.070. PROJECT DENSITY.** The project density standards set forth hereinafter are in reference to the number of dwelling units or other potential population measures per acre after public or private street right-of-way has been excluded.

A. The planned unit development may result in a density in excess of the density otherwise permitted within the zone in which the planned unit development is to be constructed hereinafter as set forth.

1. For an approved scheme of open space, a maximum increase in density of five percent if the space is to be continuously maintained undeveloped and a maximum increase of ten percent if the space is to be continuously maintained and developed.

2. For distinctiveness and excellence in siting, design and landscaping that will provide unusual enhancement to the general area, a maximum increase in density of ten percent.

B. If any of the following conditions would be created by an increase in density permitted by this section, it may either prohibit any increase in density or limit the increase in density by the amount deemed necessary to avoid the creation of any of these conditions:

1. Inconvenient or unsafe access to the planned unit development or adjoining developments.

2. Traffic congestion in the streets which adjoin the planned unit development to the overall street system in the area of the development.

3. An excessive burden on sewage, water supply, parks, recreational areas, schools or other public facilities which serve or are proposed to serve the planned unit development.

**SECTION 6.080. COMMON OPEN SPACE.**

A. No open area may be accepted as common open space within a planned unit development unless it meets the following requirements:

1. The location, shape, size and character of the common open space are suitable for the planned development.

2. The common open space is for amenity or recreational purposes and the uses authorized are appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography and the number and type of dwellings provided.

3. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space.

4. The development schedule which is part of the development plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the planned unit development.

5. If buildings, structures or other improvements are to be made in the common open space, the developer provides a bond or other adequate and approved assurance that the buildings, structures and improvements will be completed within a specified period of time. The county shall release the bond and other assurances when the buildings, structures and other improvements have been completed according to the development plan.

B. Land shown of the final development plan as common open space shall be conveyed under on eof the following options:

1. To a public agency which agrees to accept such conveyance and to maintain the common open space and any buildings, structures or other improvements which have been placed on it. Unless such common open space and improvements thereof are of such scale to provide a public benefit outside the subject development and such open space and improvements are publicly dedicated to the appropriate public agency, said agency shall not accept the conveyance set forth by this provision without establishing by agreement with the developer an appropriate service and maintenance fee on an annual basis. Such requirement is deemed necessary to preclude general tax monies being expended for the benefit of a single development.

2. To an association of owners or tenants, created as a non profit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to and approved by the city a providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space and all improvements. Such provisions shall be set forth as a part of each sale, lease or rental contract or deed involving any lot, parcel, facility, component or interest in the subject development.

C. No common open space may be put to a use not specified in the final development plan unless the final plan is first amended to permit the use. However, no change of use may be authorized as a waiver of any of the covenants limiting the use of common open space area, and all rights to enforce these covenants against any use are expressly reserved.

D. If the common open space is not conveyed to a public agency, the covenants governing the use, improvements and maintenance of the common open space shall authorize the county to enforce their provisions.

E. Bicycle and Pedestrian Circulation. Bicycle and pedestrian circulation plans shall be included in Planned Unit Development Applications. If appropriate, the installation of bicycle and/or pedestrian facilities may be required, as provided in Section 9.030 of the Morrow County Subdivision Code.

**SECTION 6.090. ACCESSORY USES IN A PLANNED UNIT DEVELOPMENT.** In addition to the accessory uses of the primary uses authorized, accessory uses approved as a part of a planned unit development may include the following:

A. Golf Course.

B. Private park, lake or waterway.

C. Recreation area, building, clubhouse or social hall.

D. Other accessory structures which the Planning Commission finds are designed to serve primarily the residents of the planned unit development, and are compatible to the design and other uses of the planned unit development.

E. Any commercial use permitted as a component of a planned unit development shall be limited to those types of commercial uses specifically designed to serve the development zone and shall be subject to the following conditions:

1. Each such use shall be wholly enclosed within a building; no outside storage shall be permitted.
2. The total of such uses shall not exceed more than three percent of the total land area of the development, and no commercial use including buildings and parking shall exceed more than 70 percent of the land area designed therefor.
3. No such use or assemblage of such use shall generate more than 100 auto trips daily per acre, or one auto trip daily per dwelling unit in the development, whichever is greater.

**SECTION 6.100. APPLICATION SUBMISSION.** An applicant shall include with an application for a planned unit development either an Outline Plan or a Tentative Development Plan as described in Section 6.120. Except as otherwise set forth in this article the procedure for review and approval of a planned unit development is the same as set forth for a standard subdivision in this ordinance. An application for a planned unit development shall be accompanied by the appropriate filing fee.

**SECTION 6.110. OUTLINE DEVELOPMENT PLAN.** If an Outline Development Plan is prepared and submitted with the application for a planned unit development, it shall include both maps and written statements as set forth in this section. The information shall deal with enough of the area surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining uses, both existing and allowable under applicable zoning.

A. The maps which are part of the outline plan may be in general schematic form, but to scale, and shall contain the following information:

1. The existing topographic character of the land.
2. Existing and proposed land uses and the approximate location of buildings and other structures.
3. The character and approximate density of the proposed buildings.
4. The approximate location of the collector streets.
5. Public uses, including schools, parks, playgrounds and other public open spaces or facilities.
6. Common open spaces and a description of the proposed use of these spaces.
7. Landscaping plans.
8. Irrigation plans and design.

B. Written, signed statements which are part of the outline development plan shall contain the following information.

1. An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations.
2. A statement of the present ownership of all the land included within the planned unit development.
3. A general indication of the expected schedule of development and improvements.

C. Planning Commission approval of the outline development plan shall constitute only a provisional approval of the planned unit development contingent upon the approval of the preliminary development plan.

**SECTION 6.120. TENTATIVE DEVELOPMENT PLAN.** A tentative development plan shall be prepared and submitted by the applicant for a planned unit development and shall include the following information:

A. A map to scale showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes.

B. Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses and facilities.

C. A plot plan for each building site and common open space area, showing the location of buildings, structures and other improvements and indicating the open spaces around buildings and structures.

D. Elevation and perspective drawings of proposed structures, including floor plans of proposed structures.

E. A development schedule indicating:

1. The approximate date when construction of the project can be expected to begin.
2. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
3. The anticipated rate of development.
4. The approximate dates when each stage in the development will be completed.
5. The area, location and degree of development of common open space that will be provided at each stage.

F. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open space areas.

G. The following plans and diagrams, insofar as the reviewing body finds that the planned unit development creates special problems of traffic, parking, landscaping or economic feasibility:

1. An off-street parking and loading plan.
2. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians without the planned unit development and to and from thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern shall be shown.

3. A landscaping and tree plan.
4. An economic feasibility report or market analysis.

**SECTION 6.130. SEPARATE APPROVAL OF THE TENTATIVE DEVELOPMENT PLAN.**

A. If an outline development plan has been submitted and the planned unit development has been provisionally approved based on the information in the outline development plan, the applicant shall file the tentative development plan with the Planning Commission within six months following the provisional approval of the outline development plan. Notice shall be given and the opportunity shall be provided to each of the following:

1. A person who is on record as having appeared at the hearing on the outline development plan.
2. A person who has indicated in writing a desire to be notified.
3. Other persons who may have an interest.

B. The Commission, having previously provisionally approved the proposed planned unit development, shall then either reapprove, disapprove, or reapprove with modifications the planned unit development based on the tentative development plan.

C. If an outline development plan has been submitted and approved, a tentative development plan may be submitted in stages. If a tentative development plan covering at least 30 percent of the area of the outline development plan has not been submitted within six months following the provisional approval of the planned unit development, then the provisional approval of the planned unit development by the Planning Commission shall terminate unless, for good cause, the Planning Commission extend for three months the period for filing of the tentative development plan.

D. If the Planning Commission finds evidence of a material deviation from the approved tentative development plan, the Planning Commission shall advise the applicant to submit application for amendment of the planned unit development. An amendment shall be considered in the same manner as an original application and shall be accompanied by the appropriate filing fee.

**SECTION 6.150. CONTROL OF THE DEVELOPMENT AFTER COMPLETION.**

The final development plan shall continue to control the planned unit development after it is finished and the following shall apply:

- A. The county, in issuing a certificate of completion of the planned unit development, shall note the issuance on the recorded final development plan.

B. After the certificate of completion has been issued, the use of the land and the construction, modification or alteration of a building shall be governed by the approved final development plan.

C. After the certificate of completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan except as follows:

1. Minor modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final plan and do not increase the cubic footage of a building or structure.

2. A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended planned unit development if it is compliance with the purpose and intent of the final development plan.

D. An amendment to a completed planned unit development may be approved if it is required for the continued success of the planned unit development, if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the county and affected city Comprehensive Plan or related land use regulations.

E. No modification or amendment of a completed planned unit development is to be considered as a waiver of the covenants against any charge permitted by this section are expressly reserved.

**SECTION 6.160. AUTHORIZATION TO APPROVE OR DISAPPROVE PLANNED UNIT DEVELOPMENTS.** A planned unit development as set forth in this ordinance shall be approved, modified, disapproved or amended in accordance with the standards and procedures of this article, this ordinance and other applicable rules and regulations. In judging whether or not a planned unit development proposal shall be approved or disapproved the Planning Commission shall weigh its appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such development, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable.

A. The proposal will be consistent with the county and affected city Comprehensive Plan and the objectives of the zoning ordinance and other applicable policies of the affected city and county.

B. The location, size, design, and operating characteristics under the proposal will have minimal adverse impact on the livability, value or appropriate development of abutting properties and the surrounding area.

C. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.

D. A proposal will preserve environmental assets of particular interest to the community.

E. The applicant has a bona fide intent and capability to develop and use the land as proposed and has no inappropriate purpose for submitting the proposal, such as to artificially alter property values for speculative purposes.

**SECTION 6.170. PLACING CONDITIONS ON A PLANNED UNIT**

**DEVELOPMENT.** In approving a new planned unit development or the amendment of an existing planned unit development, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the community as a whole. These conditions may include but are not limited to the following:

A. Establishing a special yard or other open space or lot area or dimension.

B. Limiting the height, size or location of a building or other structure.

C. Designating the size, number, location and nature of vehicle access points.

D. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.

E. Designating the size, location, screening, drainage, surfacing or other improvements of a parking area or truck loading area.

F. Limiting or otherwise designating the number, size, location, height and lighting of signs.

G. Limiting the location and intensity of outdoor lighting and requiring shielding.

H. Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.

I. Designating the size, height, location and materials for a fence.

J. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or any other significant natural resources.

**SECTION 6.180. PROCEDURE FOR TAKING ACTION ON A PLANNED UNIT**

**DEVELOPMENT.** The procedure for taking action on a planned unit development proposal shall be as follows:

A. Any person proposing a planned unit development, or his authorized agent or representative, may initiate an application for a planned unit development as set forth in Section 3.010 and 6.100 of this ordinance.

B. Prior to submission to the Planning Commission a proposal for a planned unit development shall be submitted to the Subdivision Review Committee and the affected city in accordance with Article 2 of this ordinance.

C. The Planning Commission shall hold a public hearing on the proposed planned unit development and shall review the proposal in accordance with Section 3.060 of this ordinance relative to the review of an outline development plan and a tentative development plan and in accordance with Section 4.080, 4.090 and 4.100 of this ordinance relative to the review of the final development plan.

**SECTION 6.190. RECORDING OF FINAL DEVELOPMENT PLAN.** A developer of a planned unit development shall, without delay, proceed with the recording of the final development plan following approval by the county in accordance with the standards and requirements set forth by this ordinance and other applicable regulations for a standard subdivision.

**SECTION 6.200. RESUBMISSION OF DENIED DEVELOPMENT PLAN.** If the outline development plan or preliminary development plan for a proposed planned unit development is denied, resubmittal thereof shall not be accepted by the county for a period of six months after the date of the final action denying said plan. Resubmission shall require the applicant to consider all items for which the prior denial was based, and the resubmission shall be accompanied by a new filing fee.

## **ARTICLE 7 CREATION OF STREETS AND WAYS NOT PART OF A SUBDIVISION**

**SECTION 7.010. APPLICATION.** Any person desiring to create a street or way not part of a subdivision or partition shall make written application to the Planning Department. Said application shall be made on prescribed form and shall be accompanied by the required information and appropriate filing fee.

**SECTION 7.020. CREATION OF STREETS OUTSIDE A SUBDIVISION.** The creation of a street shall be in conformance with requirements for subdivision except, however, the Planning Commission may approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:

- A. The establishment of the street is initiated by the City Council or Board of Commissioners and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street.
- B. The tract in which the street is to be dedicated is an isolated ownership of one acre or less.
- C. The tract in which the street is to be dedicated is an isolated ownership of such size and condition as to make it impossible to develop more than two lots.

### **SECTION 7.030. PROCEDURE.**

- A. Upon receipt of written application and appropriate filing fee for street dedication, the Planning Director shall refer the proposal to the Planning Commission, County Roadmaster, and affected City Public Works Department for review and recommendation. Two copies of the proposed improvements shall be forwarded to the Planning Commission at least ten days prior to a regularly scheduled meeting.
- B. Where access is to a City Street, County Road or State Highway, the necessary permits shall be obtained prior to approval by the County Commission.
- C. The Planning Commission, Roadmaster and affected City Public Works Department shall report their findings to the Planning Director and give their recommendations regarding the proposed dedication and improvements. The Planning Commission shall also recommend a classification for the proposed street.
- D. Upon receipt of written findings and recommendations from the Planning Commission, Roadmaster and affected City Public Works Department, the proposal shall be submitted to the Board of Commissioners for preliminary review and approval. Such submission shall be made at least ten days prior to a regularly scheduled meeting.

E. Upon preliminary approval by the Board of Commissioners, the engineering and improvements design or the roadway conforming to the requirements of this ordinance and other applicable regulations shall be submitted to the County Roadmaster and affected City Street Departments for review and approval. Said engineer and improvements design shall be prepared and signed by a licensed engineer or surveyor.

F. Following approval of the roadway engineering and design, the applicant shall prepare a warranty deed dedicating said street to the public and an improvement guarantee. Said documents shall be submitted to the District Attorney for review and approval.

G. Following receipt of the approval set forth in subsections E and F of this section, the deed and improvements guarantee shall be submitted to the Board of Commissioners for final approval.

**SECTION 7.040. CREATION OF WAYS.** Any easement of way providing access to property and which is created in order to allow the partitioning of land for the purpose of transfer or ownership or building development, whether immediate or future, shall be in the form of a street, except that a private easement of way to be established by deed without full compliance with these regulations may be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep lot large enough to warrant partitioning into two parcels may be provided with access. A copy of the proposed document to create the easement shall be submitted to the Planning Director at least ten days prior to the Planning Commission meeting at which consideration is desired. The document and such information as may be submitted shall be reviewed by the Planning Commission and, if assurance of adequate utility and vehicular access is indicated, shall be approved.

## **ARTICLE 8. DESIGN STANDARDS**

**SECTION 8.010. COMPLIANCE REQUIRED.** Any land division, whether by Subdivision, creation of a street or other right-of-way, partitioning or planned unit development, shall be in compliance with the design standards set forth by this ordinance.

### **SECTION 8.020. STREETS. (MC-02-05)**

A. General. The location, width and grade shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of land to be served by the street. 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. Streets shall be designed and constructed in conformance with the basic cross-sections in the County TSP Update, with horizontal and vertical alignment geometry conforming to the latest version of applicable ODOT and/or AASHTO standards.

B. Design and Construction Approval. Any facility or improvement conditioned to be constructed as part of private development activity and subsequently dedicated to the County must first receive design approval by the Morrow County Public Works Department. Design approval shall include all other pertinent issues related to roadway construction and operations, including but not limited to drainage, maintenance, serviceability, and pavement design. Upon request of an applicant, the County shall provide applicable design criteria and the rationale for establishing the criteria. Street design plans submitted for County approval shall be stamped by a registered professional engineer with appropriate experience. The Public Works Department is responsible for providing regular inspections throughout construction, and performing final inspection upon completion and prior to acceptance of the improvement as public right-of-way. An equitable Plan Review and Construction Inspection fee shall be determined at the initiation of plan review and charged to the developer.

C. Minimum Right-of-Way and Roadway Width. Unless otherwise approved in the tentative plan, the street right-of-way and roadway surfacing widths shall not be less than the minimum width in feet set forth in the following table. Additional right-of-way may be necessary to conform to standards and specifications set forth in current AASHTO and/or ODOT design standards, and other applicable affected City standards and specifications.

Where conditions, particularly topography or the size and shape of land parcels, make it impractical to provide buildable lots, narrower right-of-way may be accepted ordinarily not less than 40 feet. Slope easements, while generally undesirable, may be required in extreme cases.

The Roadway Standards set forth in the following table shall be observed unless a variance has been obtained.

ROADWAY STANDARDS					
Road Classification	Right of Way (ft)	Lane Width (ft)	Paved Shoulder Width (ft)	Pavement Width (ft)	Average Daily Traffic (ADT)
Rural Access I*	60	9	1	20	100-200
Rural Access II*	60	9	1	20	50-100
Rural Collector I	60	12	3-4	30-32	300-500
Rural Collector II	60	12	2	28	200-300
Rural Collector III	60	12	1	26	100-200
Rural Arterial I	60	12	4-8	32-40	> 700
Rural Arterial II	60	12	3-6	32-40	300-700
Rural Gravel	60	11	n/a	n/a	n/a

\* Rural Access I and Rural Access II differ in the surface type – Rural Access II is gravel.

D. Reserve Strips. Reserve strips or street plugs controlling the access to streets will not be approved unless necessary for the protection of the public welfare or of substantial property rights and in these cases they may be required.

E. Alignment. All streets other than minor streets, as far as is practical, shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in “T” intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and, in no case, shall be less than 100 feet. The streets and roads shall be laid out so as to conform to the plat of subdivisions and maps of partitions already approved for adjoining property as to width, improvements, general direction, and in all other respects, unless it is determined to be in the public interest to modify the street or road pattern. Streets and roads shall be laid out in such a way so as to connect to existing roads at the time of development or through extension at a future date by creating dead-end streets without turn-arounds.

F. Future Extension of Streets. Where necessary to give access to or permit a satisfactory future subdivision on adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be approved without a turn-around. Reserve strips and street plugs may be required to preserve the objectives of street extensions. Streets and accessways are always required unless one or more of the following conditions exists:

1. Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands, or other bodies of water where a connection could not reasonably be provided;
2. Buildings or other existing development on adjacent lands physically precludes a connection now or in the future considering the potential for redevelopment; or

3. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions, or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.

G. Intersection Angles. Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires a lesser angle. In no case shall the acute angle be less than 80 degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least 100 feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection unless topography requires a lesser distance. The intersection of more than two streets at any one point will not be approved. Right-of-way lines at street intersections shall have a minimum corner radius of 15 feet.

H. Existing Streets. Whenever existing streets, adjacent to or within a tract, are of inadequate width, additional right-of-way shall be provided at the time of land division by the developer. During consideration of the tentative plan for a subdivision, it shall be determined whether improvements are required to existing streets, either adjacent to or within the tract. They may require such improvements as a condition of approval of the tentative plan.

I. Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision or partition when in conformity with the other requirements of these regulations and when it is found it will be practical to require the dedication of the other half when the adjoining property is divided. Whenever a half street is adjacent to a tract to be divided, the other half of the street shall be provided within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

J. Cul-de-Sac. A cul-de-sac, while not encouraged, may be used as part of a development plan, consistent with other provisions of this section (refer to Section 8.020.E). A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building sites for not more than 9 dwelling units unless approved otherwise by the Commission. A cul-de-sac shall terminate with a circular turn-around.

K. 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 the city or county. Street names and numbers shall conform to the established pattern in the affected city urban area, and shall be subject to the approval of the Planning Commission and/or Board of Commissioners.

L. Installation of Regulatory Signs in County Road Right-of-Way. Developers are to install street name, posted speed, and other traffic control and/or regulatory signage required for private developments, per applicable standards of Morrow County and the Manual on Uniform Traffic Control Devices (MUTCD).

M. Private Signage within County Road Right-of-Way. Residents may request specific cautionary signage for individual resident(s) to be installed within County right-of-way. All costs including materials, installation, maintenance, and removal, shall be borne by the requestor.

N. Grades and Curves. Grades shall not exceed eight (8) percent on arterials, ten percent on collector streets or 12 percent on other streets except as otherwise provided for. Center line radii of curves shall not be less than 500 feet on arterials, 250 feet on collectors, or 100 feet on other streets and shall be on an even 10 feet. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable sites, the Planning Commission may accept steeper grades and sharper curves as specifically provided for in current County Design Standards. In flat area, allowance shall be made for finished street grades having a minimum slope, preferably of at least 0.5 percent.

O. Streets Adjacent to Railroad Right-of-Way. Wherever 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 the appropriate use of land between the streets and railroad. The distance shall be determined with due consideration at cross streets of 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.

P. Marginal Access Streets. Where a land division abuts or contains an existing or proposed arterial street, a decision may require marginal access streets, reserve 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.

Q. Alleys. Alleys shall be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are approved.

R. Curbs. Curbs shall be required on all urban area streets unless otherwise approved by the County and affected City, and shall be installed by the developer in accordance with the standards set forth in current County Design and Construction Standards or other standards set forth by the affected City and County.

S. Proposed Corridors. For land adjacent to or containing a proposed corridor (see corridor map in the TSP), it may be required that the dedication of a suitable right-of-way shall be provided at the time of land division.

T. Access Management.

1. Applications for development with access onto state highways shall be provided to ODOT for review, to ensure consistency with adopted ODOT Access Management Standards shown below. These standards apply only to unsignalized access points. New traffic signals on state facilities shall meet signal spacing

standards in OAR 734-020 (desired minimum spacing for new traffic signals on state highways is at least 0.5 miles from the nearest existing or planned signal) or, if applicable, the standards in the adopted Interchange Area Management Plan (IAMP). For approval of a new traffic signal on a County facility as part of a condition of development approval, the applicant shall be required to show, through an analysis prepared by a qualified professional engineer registered in the State of Oregon, that the signal is warranted to improve traffic operations, address safety deficiencies, or a combination.

<b>Access Management Standards for Morrow County non-Interstate Highways</b>						
<b>Highway</b>	<b>Classification</b>	<b>Access Spacing Standards for Public or Private Unsignalized Access (ft) for Posted Speed Indicated (mph)</b>				
		>55	50	40 & 45	30 & 35	<25
US 730, OR 74	Regional	990	830	750	600	450
OR 206, OR 207	District	700	550	500	400	400

Source: Oregon Administrative Rules Section 734-051 (2004)

2. Access within the influence area of existing or proposed state highway interchanges for which there is no adopted IAMP is regulated by standards in OAR 734-051. These standards do not retroactively apply to interchanges existing prior to adoption of the 1999 Oregon Highway Plan, except or until any redevelopment, change of use, or highway construction, reconstruction or modernization project affecting these existing interchanges occurs. It is the goal at that time to meet the appropriate spacing standards, if possible, but, at the very least, to improve the current conditions by moving in the direction of the spacing standard.

3. Access within a mapped and adopted IAMP Management Area of an existing or proposed state highway interchange is regulated by the adopted plan associated with that interchange. In an IAMP Management Area, proposed access shall be consistent with the associated Access Management Plan.

4. Morrow County also requires an access permit for land use development proposing access onto a County road. Access permit requirements for land use development are outlined in Section 4.010 of the Morrow County Zoning Code, and development proposing access onto a County road is subject to access spacing standards specified in the table below.

RECOMMENDED ACCESS MANAGEMENT STANDARDS FOR COUNTY ROADS <sup>a</sup>				
Functional Classification	Intersection			
	Public Road		Private Drive	
	Type	Minimum Spacing	Type	Minimum Spacing
Rural Arterial	at-grade	600 ft	Left/right turns	300 ft
Rural Collector	at-grade	300 ft	Left/right turns	100 ft
Rural Local	at-grade	200 ft	Left/right turns	Access to each lot

a. For most roadways, at-grade crossings are appropriate. Also, allowed moves and spacing requirements may be more restrictive than those shown to optimize capacity and safety. Any access to a state highway requires a permit from the district office of ODOT and is subject to the access spacing standards in the previous table in this section.

Approval of a variance from the County access spacing standards is subject to the following requirements:

1. The granting of a variance for access management standards shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is employed.
2. Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:
  - a. Indirect or restrict access cannot be obtained;
  - b. No engineering or construction solutions can be applied to mitigate the condition; and,
  - c. No alternative access is available from a street with a lower functional classification than the primary roadway.
3. No variance shall be granted where such hardship is self-created.

U. Corner Clearance. Corner clearance at intersections shall meet or exceed the minimum connection spacing requirements for that roadway. New connections shall not be permitted within the functional area of an intersection or exchange as defined by the connection spacing standards of this ordinance, unless no other reasonable access to the property is available. Where no other alternatives exist, the Morrow County Planning Department may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections such as right-in/right-out, right-in only, or right-out only may be required.

V. Driveways. Driveways onto State highways shall be consistent with ODOT Access Management Standards. Driveways onto County facilities, which require an access permit from the Morrow County Department of Public Works, shall be consistent with County access management standards and meet the following standards.

All private access driveways shall meet the following standards. Those that do not meet these standards shall require an access variance.

<b>Land Use</b>	<b>Minimum (feet)</b>	<b>Maximum (feet)</b>
Single Family Residential	10	24
Multi-Family Residential	24	30
Commercial	24	40
Industrial	30	40

Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view meeting County sight distance requirements. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.

The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

For unpaved driveways connecting to paved roadways, a paved driveway apron must be provided per Morrow County Department of Public Works standards.

W. Easements and Legal Access. All lots must have access onto a public right-of-way. This may be provided via direct frontage onto an existing public road, a private roadway, or an easement. Minimum easement requirements to provide legal access shall be as follows:

1. 1000 feet or less, an easement width of 20 feet.
2. More than 1000 feet, an easement width of 40 feet.
3. Parcels where 3 or more lots share an access (current or potential), an easement of 60 feet.

X. Joint and Cross Access. Adjacent commercial or office properties classified as major traffic generators shall provide a cross access drive and pedestrian access to allow circulation between sites. These shall be established as a system wherever feasible including:

1. A continuous service drive consistent with access management standards.
2. Stub-outs or other design features to allow tie-ins to adjacent properties.

Pursuant to this section, property owners shall record an easement allowing joint or cross access between parcels, record an easement on the deed to dedicate access rights to the main roadway, and to close non-conforming existing driveways, and to record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

Y. Requirements for Phased Development Plans. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as a single property in relation to the access standards of this ordinance. This shall also apply to phased development plans.

Z. Nonconforming Access Features. Legal access in place as of the date of adoption that do not meet spacing and design standards shall be brought into compliance with applicable standards when new access permits are requested or when a change in land use or improvements occurs.

AA. Reverse Frontage. Lots that front on more than one street shall be required to locate motor vehicle access on the street with the lower functional classification.

AB. Shared Access. Subdivisions with frontage on the state highway system shall be designed into shared access points to and from the highway. If access to a lower classification street becomes available, then conversion to that access is encouraged, along with closing the state highway access.

AC. Connectivity. The street system of a proposed subdivision shall be designed to coordinate with existing, proposed, and planned streets outside of the subdivision as provided in this Section and in the local street plans of the TSP. Whenever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to provide access to abutting properties or to locally extend the street system into the surrounding area. All street stubs shall be provided with a temporary turn-around unless specifically exempted by the Public Works Director, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land. Minor collector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local streets. Appropriate traffic controls, such as traffic calming measures, are preferred means of discouraging through traffic.

AD. Private Streets Outside an Urban Growth Boundary. All private streets providing access from a public roadway to a proposed land division shall meet the following standards:

1. Have a minimum sight distance in compliance with adopted County Standards at any intersection with a public road. Additional sight distance or advance

warning signage or other devices may be required where known safety hazards exist.

2. For each private street, there shall be a legal recorded document which includes:
  - a. A legal description of the proposed easement;
  - b. Ownership of the street;
  - c. Use rights; and
  - d. A maintenance and construction agreement which includes Fire Marshal approved street specifications and turn around area (if required) and the allocation and/or method of determining liability for maintenance.
3. Where drainage conditions require it, a private street shall be ditched in conformance with the County Road Standards.
4. Private streets which access public or County roads shall be located, designed and constructed (within the public right-of-way) in accordance with adopted standards for County roads.
5. Prior to establishing a private driveway or a private street, the owner shall obtain an access permit for access to the intersecting public road. As a condition of granting access to a public road, the County may require the applicant to clean the ditch serving the parcel and remove sight obstructing vegetation in the vicinity of the access.

### **SECTION 8.030. BLOCKS.**

A. General. The length, width, and shape of blocks shall take into account the need for adequate building site size and street width and shall recognize the limitations of the topography.

B. Minimum Block Lengths. Minimum block lengths of 600 feet shall be established within urban growth boundaries. A goal for areas outside of urban growth boundaries is a minimum of 1,200 feet. A block shall have sufficient width to provide for two tiers of building site unless topography or the location of adjoining streets justifies an exception.

C. Easements.

1. Utility Lines. Easements for sewers, water mains, electric lines or other public utilities shall be at least 12 feet wide and centered on lot or parcel rear lot lines, except for utility pole tieback easements which may be reduced to six feet in width.

2. Water Courses. If a tract is traversed by a water course, such (as) a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further

widths as will be adequate for the purpose. Streets or parkways parallel to the major watercourses may be required.

3. Pedestrian and Bicycle Ways. When desirable for public convenience, a pedestrian or bicycle way at least 10 feet in width 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 8.040. BUILDING SITES.**

A. 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 residential lot size provisions of the zoning ordinance with the following exceptions:

1. In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of soil structure and water table as related to sewage disposal by septic tank.

2. Where property is zoned and planned for business or industrial use, other widths and areas may be permitted with an authorized variance. 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.

B. Access. Each lot and parcel shall abut upon a street other than an alley for a width of at least 50 feet.

C. 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 feet wide and across which there shall be no right of access may be required along the line of building sites abutting such a traffic arterial or other incompatible uses.

D. Lot and Parcel Side Lines. The lines of lots and parcels, as far as it 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.

E. Division by ROW, Drainage Ways. No lot 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 an easement for utilities or other services.

**SECTION 8.050. GRADING OF BUILDING SITES.** Grading of building sites shall conform to the following standards unless physical conditions demonstrate the priority of other standards.

- A. Cut slopes shall not exceed one foot vertically to one-half feet horizontally.
- B. Fill slopes shall not exceed one foot vertically to two feet horizontally.
- C. The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

**SECTION 8.060. BUILDING LINES.** If special building setback lines are to be established in a subdivision, they shall be shown on the subdivision plat and included in the deed restrictions.

**SECTION 8.070. LARGE BUILDING SITES.** In dividing tracts into large lots or parcels, which at some future time are likely to be redivided, it may be required that the blocks be of such size and shape, so that they may so be divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

**SECTION 8.080. LAND FOR PUBLIC PURPOSES.**

- A. If the county or affected city has an interest 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, then the Planning Commission may require that those portions of the subdivision to be reserved for public acquisition, for a period not to exceed one year.
- B. Within or adjacent to a subdivision, a parcel of land of not more than five (5) percent of the gross area of the subdivision may be required to be set aside as and dedicated to the public by the Planning Commission as being suitable and adaptable for park and recreation uses. In the event no such area is suitable for park and recreation purposes, the subdivider may be required, in lieu of setting aside land, to pay into a public fund an amount equal to the value of the area required for dedication above in the subdivision. If the nature of the subdivision is being dedicated to the public for streets and other public uses, the requirements of this section shall be reduced so that the total obligation of the subdivider does not exceed 40 percent.

## **ARTICLE 9. IMPROVEMENTS**

**SECTION 9.010. IMPROVEMENT PROCEDURES.** In addition to other requirements, improvements to be installed by a subdivider, either as a requirement of this ordinance or other applicable regulations or at his own option, shall conform to the requirements of this article.

A. Plan Review and Approval. Improvement work shall not be commenced until plans therefore have been reviewed and approved by the county or a designated representative thereof. Such review and approval shall be at the expense of the developer. To the extent necessary for evaluation of a proposed development, such improvement plans may be required before approval of the tentative plan of a subdivision or the tentative development plan of a planned unit development.

B. Notification. Improvement work shall not commence until after the county has been notified and approval thereof has been granted, and if work is discontinued for any reason it shall not be resumed until after the county is notified and approval thereof granted. The cost of such inspections and approvals shall be borne by the developer.

C. 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 inspection.

D. Inspection. Improvements shall be constructed under the inspection and approval of an inspector designated by the county. Expenses incurred thereof shall be borne by the developer. The county, through said inspector, may require changes in typical sections and details of improvements if unusual conditions arise during construction to warrant such changes in the public interest.

E. Utilities. Underground utilities including but not limited to electric power, telephone, water mains, water service crossings, sanitary sewers and storm water drains, to be installed in streets shall be constructed by the subdivider prior to the surfacing of the streets.

F. As Built Plans. A map showing public improvements as built shall be filed with the affected city and county upon completion of the improvements and a copy thereof shall be recorded with the final plat. Such map shall also be provided in reproducible form (Mylar or comparable).

**SECTION 9.020. SPECIFICATIONS FOR IMPROVEMENTS.** See Appendix "A" for specifications.

**SECTION 9.030. IMPROVEMENTS IN SUBDIVISIONS.** The following improvements shall be installed at the expense of the subdivider:

A. Streets. Streets, including alleys and curbs may be required, within the subdivision, adjacent thereto, and those outside the subdivision may require to be improved as a condition of subdivision approval, and shall be improved to affected city or county specifications set forth by this ordinance and other applicable affected city and county regulations. Catch basins shall be installed and connected to drainage facilities in accordance with specifications in this and other applicable regulations. Upon completion of street improvements, monuments shall be re-established in accordance with this ordinance and ORS at every street intersection and all points of curvature and points of tangency at their centerlines.

B. Surface and Storm Sewer System. Drainage facilities shall be provided as deemed necessary within the subdivision and to connect the subdivision drainage to drainage ways or storm sewers outside the subdivision. Design of drainage within the subdivision, as provided by specifications of this ordinance and other applicable standards, shall take into account the capacity and grade necessary to maintain unrestricted flow from drainage through the subdivision and allow extension of the system to serve such areas.

C. Sanitary Sewers. Sanitary sewers as required shall be installed to serve the subdivision and to connect the subdivision to existing mains. In the event it is not possible to connect the subdivision to an affected city sewer system, the affected city and county may jointly authorize the use of an interim system, if lot areas are of adequate, considering the physical characteristics of the area and if sewer laterals designed for future connection to a sewage disposal system are installed and sealed. Design shall take into account the capacity and grade to allow for desirable extension beyond the subdivision.

D. Water System. Water lines and fire hydrants serving each building site in the subdivision and connecting the subdivision to the serving system as may be required shall be installed by specifications required by the county and/or affected city and serving water system surveyor. The design shall take into account water provisions for extension beyond the subdivision.

E. Pedestrian Facilities. Site plans shall include a pedestrian circulation plan for providing safe and convenient pedestrian access. Pedestrian facilities as may be required shall be installed on at least one side of a public street and in any special pedestrian facility or walkway within the subdivision; in the case of primary or secondary arterials, special type industrial districts, or in rural areas, the Planning Commission may approve a subdivision without appropriate pedestrian facilities, if alternative pedestrian routes are available or if applicant can demonstrate that there is no need for such facilities, and provided further that in the case of streets serving lots equivalent to two and one-half or less dwellings per gross acre, the requirement of walkways shall not apply, provided there is no evidence of special pedestrian activity along the streets involved. Walkways shall be constructed to specifications set forth by the affected city or county specifications.

F. Bicycle Facilities. Site plans shall include a bicycle circulation plan. If appropriate to the extension of a system of bicycle routes, existing or planned, the Planning Commission may require the installation of bikeways or other bicycle facilities.

G. Streets Name Signs. Street name signs shall be installed at all street intersections. One street sign shall be provided at the intersection of each street. Two street signs shall be provided at four-way intersections.

H. Street Lights. Street lights may be required and if so required shall be installed and shall be served from an underground source of supply.

I. Curbs. Curbs may be required on urban area streets, and if so required shall be installed by the developer in accordance with standards set forth by the affected city or county.

J. Other. The developer shall make necessary arrangement with the utility companies or other persons or corporations affected for the installation of underground lines and facilities. Electrical lines and other wires, including but not limited to communication, street lighting and cable televisions may be required to be placed underground.

**SECTION 9.040. IMPROVEMENTS IN PARTITIONS.** The same improvements may be required for a partitioning and if so shall be installed to serve each building site of a partition as required of a subdivision.

**SECTION 9.050. APPROVAL OF IMPROVEMENTS.** All improvements shall be approved by the affected city and county inspectors prior to acceptance by the county. All costs of inspection shall be paid for by the developer.

**SECTION 9.060. ACCEPTANCE OF IMPROVEMENTS.** Improvements shall receive preliminary acceptance after inspection at the time the improvements are constructed. Final acceptance shall be considered by the county within one year after construction is completed.

**SECTION 9.070. BUILDING PERMITS.** No building permit shall be issued upon lots to receive and be served by sanitary sewer and water service as improvements required pursuant to this ordinance unless such improvements are in place and serviceable or bonded for and approved by the county. All improvements required and pursuant to this ordinance and other applicable regulations shall be completed, in service and approved by the county prior to the sale and occupancy of any building unit erected upon a lot within the subdivision, partition or planned unit development. Prior to sale and occupancy, and as a condition of acceptance of improvements, the county may require a one-year Maintenance Surety Bond in an amount not to exceed ten percent of the value of all improvements to guaranteed maintenance of said improvements for a period of not less than one year from the date of acceptance.

## **ARTICLE 10. IMPROVEMENT GUARANTEE**

**SECTION 10.010. AGREEMENT FOR IMPROVEMENTS.** Prior to final approval of a subdivision plat or partition map by the county, the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in development of the property or execute and file with the county an agreement between himself and the county, specifying the period which required improvements and repairs shall be completed and provided that, if the work is not completed within the period specified, the county may complete the work and recover the full cost and expense together with court costs and attorney fees necessary to collect said amounts from the land divider. The agreement shall also provide for payment to the affected city and county for the cost of inspection by the affected city and county.

### **SECTION 10.020. BOND.**

A. Type of Security. The land divider shall file with the agreement, to assure his full and faithful performance thereof, one of the following, pursuant to approval and acceptance by the Board of Commissioners.

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the District Attorney.
2. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
3. Such other security as may be deemed necessary by the Board of Commissioners to adequately insure completion of improvements pursuant to the agreement.
4. Such other security as may be deemed necessary by the Board of Commissioners to adequately insure completion of improvements pursuant to the agreement.

B. Amount Required. Such assurance of full and faithful performance shall be for a sum approved by the county sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of affected city and county inspection.

C. Default Status. If a land divider fails to carry out provision 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 cost and expense incurred by the county exceed the amount of the bond or cash deposit, the land divider shall be liable to the county for the difference plus any attorney fees and costs incurred.

## **ARTICLE 11. VARIANCE AND EXCEPTIONS.**

**SECTION 11.010. APPLICATION.** Variances or exceptions to requirements of this ordinance may be authorized in accordance with Article 7 of the Zoning Ordinance and this section. Application for a variance or an exception shall be made by a petition of the developer stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the tentative plan. A variance or exception may be granted only in the event that all the following circumstances exist:

A. **Exceptional Circumstances.** Exceptional or extraordinary facts apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owner of the property, since enactment of this ordinance, has no control.

B. **Preservation of Property.** The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity possess.

C. **Not Detrimental.** The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of the Comprehensive Plan, any other area plan, or policy thereof.

D. **Minimum.** The variance requested is the minimum which would alleviate hardship.

E. **For a variance to access standards:** The granting of a variance shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is employed.

F. **Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical.**

G. **No variance shall be granted where such hardship is self-created.**

**SECTION 11.020. ACTION ON VARIANCE OR EXCEPTION.** In granting or denying a variance or exception, a written record of findings and the facts in connection with shall describe the variance or exception granted and the conditions designated. The county shall keep the findings on file as a matter of public record, and a copy of the variance or exception granted and the conditions thereof shall be recorded together with the final plat by the developer.

## **ARTICLE 12. ADMINISTRATION, APPEALS.**

**SECTION 12.010.** Approval or denial of an application for land development shall be based upon and accomplished by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

**SECTION 12.020.** A person may appeal to the Board of Commissioners a decision or requirement made pursuant to this ordinance by the Planning Commission. A person may appeal to the Planning Commission from a written decision made by the Planning Commission from a written decision made by the Planning Director or other County Official. Written notice of the appeal must be filed with the County within fifteen (15) days after the decision is made. The notice of appeal shall state the nature of the decision or requirement and the specific grounds for the appeal setting forth the error and the basis of error sought to be reviewed.

A. Appeal hearings will be administered in accordance with Administrative Provisions of the Morrow County Zoning Ordinance and/or the standards set forth in this section.

B. The Board of Commissioners may review a lower decision upon its own motion after giving 10 days notice to the parties involved in the decision and if such review is within 15 days of receipt of notice of said initiated lower decision.

C. In the case of an appeal to a Planning Commission action, the petition for appeal shall be accompanied by the required fee plus a deposit to cover the estimated costs of the transcript as specified by the Planning Director, which deposit shall be paid within five (5) days of such estimate by the Planning Director. Within ten (10) days of such notice of completion of a required transcript, the party seeking review shall transmit the balance due of any required transcript fee to the Planning Director and failure to do so may cause dismissal of the appeal. Any deposit in excess shall be returned to the party.

D. In the case of an appeal to a Planning Commission action, unless otherwise provided by the Board of Commissioners in Subsection 12.020.E, the review of the initial action shall be confined to the record of the proceeding below which shall include:

1. All materials, pleadings, memoranda, stipulations, and motions submitted by any party to the proceeding and received or considered by the Commission as evidence.
2. All materials submitted by the Planning Director with respect to the application.
3. The transcript of the hearing below.
4. The findings and action of the Commission and the petition of appeal.
5. Argument (without introduction of new or additional evidence) by the parties or their legal representative at the time of review before the Board of Commissioners.

E. The Board of Commissioners may, at its option, determine to admit additional testimony and other evidence by all interested parties or parties of record, to supplement the record of the proceedings held by the Commission. Such consideration may be initiated by order of the Board of Commissioners or upon written motion of a party of record or interested person. Such written motion set forth with particularity to the basis for such request and the nature of evidence sought to be introduced. Prior to making the determination of whether to permit the record to be supplemented, the Board of Commissioners shall provide an opportunity for all parties to be heard on the matter. The Board of Commissioners may grant the opportunity to supplement the record if it finds such necessary to:

1. Prevent prejudice to parties.
2. To take into consideration the inconvenience of locating the evidence at the time of initial hearing, with such inconvenience not being the result of negligence or dilatory act by the moving party.

F. Following the hearing, the Board of Commissioners may affirm, overrule or modify any decision or requirement and shall set forth findings for such decision.

G. The procedure, public notice and type of hearing for an appeal or review shall be in the same manner as for any application under this ordinance.

**SECTION 12.030.** Application or filings required by this ordinance shall be accompanied by a filing fee in the amount established by this section, and set forth in the Fee Schedule Ordinance adopted by the Morrow Board of Commissioners.

**SECTION 12.040.** This Ordinance, known as the Morrow County Subdivision Ordinance of 1980, amended and readopted in its entirety on November 7, 2001, further amended by the 2005 Transportation System Plan Update and a 2005 Update to Article 5, further amended in 2012 during adoption of the Port of Morrow and Interstate 84/Highway 730 Interchange Area Management Plans, and amended in 2022 shall be effective immediately after adoption by the Morrow County Board of Commissioners on December 20, 2022. (MC-C-3-01) (MC-02-05) (MC-04-05) (MC-2-2012)